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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

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Proposed requirements for 2001

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the advance version of the report of the Secretary-General on the proposed requirements for the year 2001 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/55/517). During its consideration of the report, the Committee met with the Deputy Prosecutor and the Registrar of the Tribunal and with representatives of the Secretary-General, who provided additional information.

2. The Advisory Committee notes the efforts of the Secretariat to improve the budget document and that workload projections are, in general, more realistic than in prior submissions of the Tribunal's budget.

3. The Advisory Committee also notes that the overall resource tables show the miscellaneous income that has accrued to the special account of the Tribunal and that may accrue during the budget period. The Committee further notes that annex VII to the report contains a summary of follow-up actions taken to implement relevant recommendations of the internal and external oversight bodies; however, the actions taken with respect to the Committee's recommendations in its report of 2 December 1999 (A/54/645) were not included in the advanced version of the report but were subsequently provided to the Committee, upon request. **The Committee trusts that, in the future, actions taken with respect to its recommendations will be clearly identified in an annex to the budget report.**

4. The Tribunal's comments on the report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/54/634)

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are reproduced in annex VII to the budget report. In its report of 19 May 2000 on the subject (A/54/874), the Advisory Committee, in paragraph 14, requested that, in the context of the budget of the Tribunal, the Secretary-General prepare a separate report for the fifty-fifth session of the General Assembly on the actions taken or to be taken in respect of the recommendations that remained under review. **The Advisory Committee notes with regret that annex VII does not differentiate between information already dealt with in reports already considered by the Committee and the General Assembly and information on action on those recommendations that were still under review.**

5. During the hearings, the Advisory Committee was provided with an update of the Tribunal's comments on the recommendations of the Expert Group. **In this connection, the Advisory Committee reiterates its recommendation that a comprehensive report be submitted to the fifty-sixth session of the General Assembly on the results of the implementation of the recommendations of the Expert Group (ibid., para. 14). The Committee expects that the report will be analytical and thematic and indicate the outcome of implementing the recommendations of the Expert Group. The Committee points out that the mere citing of a recommendation and stating whether or not it has been implemented would be considered unacceptable.**

6. The Advisory Committee recalls that it had also recommended that the Secretary-General ensure that, before requesting additional resources for the Tribunal to implement a particular recommendation of the Expert Group, every effort should be made to fully and effectively utilize existing resources within the Tribunal (ibid., para. 11). In the view of the Committee, the budget submission for 2001 does not present sufficient evidence indicating that this recommendation was implemented. The Committee notes that, in a number of instances, **the recommendations of the Expert Group are cited to justify additional resource requests. The Committee points out that the Tribunal is not exempt from first ensuring that a rigorous examination has been undertaken to use resources already approved before making proposals for additional funds.**

7. In examining the estimates, the Advisory Committee bore in mind the report of the Expert Group, the comments thereon by the Secretary-General and the organs of the Tribunal and the Advisory Committee, as well as relevant decisions by the General Assembly. The Committee also took into account its observations and recommendations as contained in its report of 2 December 1999 (A/54/645).

8. As indicated in paragraphs 4 and 5 of the budget report, it is expected that the Tribunal's workload will continue to grow as a consequence of the expected increase in the number of investigations, arrests and detainees. The Advisory Committee notes that arrests have multiplied and are currently made at a rate of almost one a month. In 2001, the Tribunal intends to reduce the amount of time detainees spend in detention awaiting trial, during trial and appeal. Furthermore, subject to a decision by the Security Council, the Trial Chambers intend to increase the capacity of the Tribunal to hold trials by having the Member States make available a pool of ad litem judges, as advocated by the judges of the Tribunal in the seventh report on the operations of the Tribunal (A/55/273-S/2000/777, para. 10). Annex IX to the budget report shows that the cost related to six additional ad litem judges for six months of 2001, inclusive of support staff, supplies, equipment and services, would total $5,280,900 ($4,899,400 net). The Committee will revert to the administrative and budgetary aspect of this matter after the action of the Security Council.

9. The Advisory Committee was provided with information and statistics, as at 2 November 2000, on convictions of 14 individuals by Trial Chambers over the period from 1996 to 2000; two acquittals, one in 1998 and another in 2000; one final conviction (after appeal) in 1998 which is being enforced and three final convictions (after appeal) in 2000, two of which are being enforced and another to be enforced; eight trial cases in pre-trial phase involving 15 accused persons; five ongoing trials, involving 12 accused persons; four trials in the appeals stage, involving 11 accused persons; and arrest warrants issued against 37 accused at large.

10. On the long-term question of enforcement of sentences, the Advisory Committee was informed that, at present, the Tribunal has concluded agreements on the enforcement of sentences with seven Member States and concluded one exchange of notes with a Member State for one single-occasion enforcement. The Committee notes that under these agreements no provision on maintenance is made. Upon request, the Advisory Committee was informed that costs related to

enforcement of sentences include costs of transporting convicted persons and escorting travel, and travel costs associated with inspection of prisons. Where convicted persons are transferred to the country of final detention and are escorted by Tribunal staff, then one Tribunal legal officer and two Tribunal security officers are expected to accompany the convicted persons. In 2001, it is expected that this will occur on eight different occasions and will cost a total of approximately $22,700, including air tickets, subsistence for Tribunal personnel for one night and miscellaneous costs. Regarding inspection of detention facilities, in 2001, six visits are planned, with two Tribunal staff members participating in each visit, for two days in total. The forecast cost is $13,600, including air tickets, subsistence for Tribunal personnel for two nights and miscellaneous costs. In 2000, the Tribunal's experience has shown that the related costs for transporting convicted persons were approximately $4,000 per one convicted person. No visits to inspect facilities were carried out during 2000. The Advisory Committee requests the Secretary-General to provide information on the long-term implications of these costs in the context of the next budget submission.

11. The Advisory Committee notes from paragraph 11 of the seventh annual report of the Tribunal (A/55/273-S/2000/777) that the judges of the Tribunal consider that by accelerating the pre-trial management of the cases through increased recourse to the Tribunal's legal officers and increasing trial capacity by using ad litem judges it may be possible for the Tribunal to fulfil its mission in 2007 rather than 2016. Furthermore, the Deputy Prosecutor informed the Committee that the overall structure of the Investigation Division had been reviewed to ensure that the Prosecutor's goal of completing investigation activities by 2004 is met.

12. **The Advisory Committee points out that it would be beneficial to Member States if a realistic assessment could be made of the steps and measures that would meet the above-mentioned goals. In the short term these measures would involve additional resources, but in the long term it would be less costly to wind up activities of the Tribunal in 2007 rather than in 2016. The Committee cautions, however, that it would be difficult to focus on a specific date to complete the mandate of the Tribunal until it is known when investigations would be completed and what would be the final number of detainees awaiting trial.**

13. After the hearings, the Advisory Committee received an advance version of the budget performance report for the Tribunal for the year ended 31 December 1999 (A/55/623). The recorded expenditures during the period totalled $89,364,000 gross ($80,489,500 net), as compared with appropriations of $103,437,600 gross ($94,103,800 net), reflecting under-expenditures of $14,073,600 gross ($13,614,300 net), or 13.6 per cent of the appropriation. Total 1999 expenditures on the Expert Group amounted to $708,700, with approximately half its expenditures ($349,300) borne by the budget of the International Tribunal for the Former Yugoslavia and the rest by the budget of the International Criminal Tribunal for Rwanda (ibid., tables 1 and 2).

14. Significant variances between the appropriations and the expenditures are shown in table 2 of the performance report. These include under-expenditures of $4,322,200 under salaries, common staff costs and mission subsistence allowance and $2,661,100 under other staff costs. Under-expenditures under salaries and common staff costs are attributable mainly to favourable exchange rates and variances between the actual costs of posts encumbered and the standard salary costs in effect during the period (ibid., para. 6). Other significant under-expenditures during the period include $1,454,300 of reduced requirements for travel; $2,749,300 in savings under contractual services from a number of activities that were either postponed, cancelled or the scope of their implementation reduced; $995,200 in savings under general operating expenses, mainly as a result of postponement of the leasing of additional office space in 1999, cancellation of the planned leasing of an additional detention facility owing to a lower number of detainees than anticipated and lower requirements under rental and maintenance of equipment; $590,700 under supplies and materials, which included savings arising from delays in procurement of data-processing supplies; and $587,700 under alterations to premises owing to the postponement of the cafeteria project for the year 2000 (ibid., table 2, and paras. 7-16).

15. **The Committee requests that in the future a complete performance report be prepared and submitted prior to or concomitant with the submission of the annual budget estimates.**

16. The Committee was provided with an interim report on expenditures for 2000, as at 1 November 2000 (see annex I to the present report). Total projected expenditures for 2000 amount to $93,415,000 (net),

reflecting a projected under-expenditure of $2,527,600 (net), as compared with appropriations in the amount of $95,942,600 (net). The Committee notes that savings would result mainly from under-expenditures in the Registry projected at $2,339,900. The Committee was informed that savings have arisen mainly on general temporary assistance requirements, travel of witnesses, contractual services in defence counsel expenses and in general operating expenses owing to the cancellation of construction of a cafeteria that was not considered to be cost-effective.

17. Annex VI to the budget report provides the status of voluntary contributions received, as at 30 September 2000, for the Voluntary Fund set up for the Tribunal. Upon request, the Advisory Committee was provided with updated information. As at 25 October 2000, an amount of $30,353,948 had been received for the period 1994-2000. Total trust fund expenditures for the period 1994-1999 amounted to $21,654,547. **The Committee requests that the performance report also include explanations on expenditures incurred during the period concerned on major activities funded from cash contributions to the Voluntary Fund.**

18. Upon request, the Advisory Committee was informed that there is a common services agreement between the Tribunal and the United Nations Interim Administration Mission in Kosovo (UNMIK) with respect to the Tribunal's investigations, whereby the Tribunal provides the services of personnel in the areas of finance and communications and UNMIK provides services for the disbursement of funds, EDP, networking, vehicle repairs and accommodation. This agreement has been fully implemented and is currently working to the full satisfaction of both the Tribunal and the Mission.

II. Resource requirements for 2001

19. The resources proposed for 2001 under the assessed budget amount to $112,464,300 gross ($100,180,800 net), reflecting a resource increase of $4,238,200 (net), or a 4.4 per cent increase over the 2000 appropriation of $95,942,600 net. Total extrabudgetary resources for 2001 are estimated at $4,870,600, as compared with estimates for 2000 of $5,695,000 (A/55/517, table 1).

20. As indicated in paragraph 8 of the budget report, the resource increase of $4,238,200 (net) proposed for 2001 is driven mainly by resource requirements of the increased level of trial activities. This is a result of the higher courtroom utilization and the implementation of new procedures, such as in pre-trial management, additional office space to accommodate the Tribunal's expansion and an increased number of detainees projected for 2001. As a result, large increases are proposed for travel ($641,600), contractual services ($3,970,400), general operating expenses ($690,200) and acquisition of furniture and equipment ($1,708,800).

21. The proposed staffing table for 2001 comprises 937 assessed budget posts (not including 14 judges) and 14 extrabudgetary posts, reflecting an increase of 89 assessed budget posts (24 Professional and 65 General Service) and 13 reclassifications. The Advisory Committee was provided with detailed organization charts for each organ of the Tribunal, identifying proposed new posts, reclassification and staff redeployment for 2001 (see annex II to the present report).

22. For 2001, 12 additional posts (7 Professional and 5 General Service) are requested for the Office of the Prosecutor and 77 additional posts (17 Professional, 41 General Service and 19 Security Service personnel) are requested for the Registry. Eight reclassifications are proposed for the Office of the Prosecutor and five for the Registry.

23. The Advisory Committee notes from table 2 of the report that, for 2001, cost estimates of $46,071,600 for posts and of $7,615,400 for other staff costs reflect a decrease of $2,058,200 and $1,658,800, or a 4.3 per cent decrease and a 17.9 per cent decrease, respectively, as compared with appropriations for 2000 of $48,129,800 for posts and of $9,274,200 for other staff costs.

24. As indicated in annex I to the budget report, changes in staff cost estimates for 2001 reflect the budgetary assumptions of a United Nations rate of exchange of 1 United States dollar per 2.47 Netherlands guilders and a post adjustment multiplier of 4.6 used for The Hague, as compared with an exchange rate of 1 United States dollar per 2.08 Netherlands guilders and a multiplier of 23.7 used for the 2000 budget. With regard to vacancy factors, the Advisory Committee notes that for the proposed 2001 budget, as for the 2000 budget, a vacancy factor of 60

per cent for the Professional category and 50 per cent for the General Service level is used for the proposed new posts. For existing posts, a rate of 5 per cent is used for both Professional and General Service levels, as compared with rates of 10 per cent and 5 per cent used for Professional and General Service posts, respectively, for 2000 (A/54/645, para. 16). The Committee was provided with vacancy statistics by the organizational unit of the Tribunal, as at 26 October 2000, reflecting 61 vacant posts (41 in the Office of the Prosecutor and 20 in the Registry) (see annex III to the present report). Upon request, the Committee was provided with a summary of the recruitment status of vacant Professional posts in the Office of the Prosecutor and in the Registry. **The Committee urges the Tribunal to fill these vacant posts as rapidly as possible**.

The Chambers

25. As shown in table 4 of the report, the resource requirement for the Chambers for 2001 amounts to $3,282,500, as compared with $2,664,700 for 2000, reflecting an increase of $617,800 or 23.2 per cent. Salaries and common costs of judges amount to $3,204,100, reflecting an increase of $619,600 or 24 per cent. As indicated in paragraph 19 (d), the terms of office of the Tribunal's judges come to an end in November 2001 and it is anticipated that elections for a further term of office will take place. The Advisory Committee notes that the provision for common costs of judges, including travel on home leave, education allowance, pension benefits and costs associated with installation and relocation, takes into account the assumption that seven judges may not be re-elected and would be replaced by seven new judges, resulting in higher common costs in 2001 as compared with 2000.

26. The Advisory Committee notes from the workload indicators shown in annex V to the budget report that the number of courtroom days and trials could exceed, by the end of 2000, the estimate projected in last year's budget report (A/54/518). The Committee welcomes the Chamber's goal for 2001 first "to continue to reduce trial length and time spent on remand, in particular, by being more active in pre-trial management" (A/55/517, para. 12). The Committee is aware that the trials are complex, frequently involving multiple defendants, and as a result are often lengthy and that the detainees are entitled, under the Tribunal's Statute, to have expeditious trials. The Committee notes from paragraph 13 of the report that the length of the proceedings is a serious issue that the Tribunal intends to address.

27. The Advisory Committee notes from paragraph 14 of the report that the Appeals Chamber now has a large number of interlocutory appeals (see also A/55/273-S/2000/777, para. 18). On the effect of interlocutory appeal motions on the work of the Trial Chambers, the Advisory Committee notes that cases are frequently put on hold pending interlocutory appeals.

28. As indicated in paragraph 21 of the budget report, a travel provision of $63,400 is requested for the Chambers for 2001, comprising a provision of $29,500 for travel of the President of the Tribunal, $19,700 for travel of the judges to the region of the former Yugoslavia and of $14,200 for visits to crime scenes. Travel expenditure for the Chambers is projected at $65,200 for the year 2000 (see annex II to the present report). The Advisory Committee notes the meetings and other activities reported in paragraphs 281 to 286 of the seventh annual report of the Tribunal (A/55/273-S/2000/777). Upon request, the Advisory Committee was informed that the 14 judges of the Tribunal were away from the seat of the Tribunal on official travel during 131 working days in 2000. Travel paid by the United Nations included 83 working days and, at no cost to the United Nations, 48 working days. **In the view of the Committee, the judicial activities at The Hague should have priority over public relations activities and attendance at external meetings**.

Office of the Prosecutor

29. The resource requirement of the Office of the Prosecutor for the year 2001 amounts to $35,576,000 gross ($29,336,600 net of staff assessment), reflecting a decrease of $254,100 gross ($1,642,600 net) over the 2000 appropriation of $35,830,100 gross ($30,979,200 net). In addition, for 2001, it is estimated that an amount of $2,738,000 would be available under extrabudgetary resources, as compared with estimates of $3,680,000 of extrabudgetary resources for 2000 (A/55/517, table 5).

30. For the Office of the Prosecutor, staffing requirements for 2001 comprise 382 posts (241 Professional and 141 General Service), reflecting an

increase of 12 new posts (7 Professional and 5 General Service), as compared to 370 posts in 2000 (ibid., table 6). Paragraphs 2 to 42 of annex II to the budget report show that two additional Professional posts are requested for the Appeals Unit in the immediate Office of the Prosecutor, eight additional posts (5 Professional and 3 General Service) for the Prosecution Division and three additional posts (one Professional and two General Service) for the Investigation Division. In addition, a transfer of one Senior Appeals Counsel post (P-5) is requested to handle the appeals of the International Criminal Tribunal for Rwanda. As indicated in paragraph 8 of annex II to the budget report, the Prosecutor intends to set up an Appeals Unit in the Rwanda Tribunal in Arusha and proposes to transfer the existing Senior Appeals Counsel post from The Hague to Arusha to manage the increased number of appeals derived from the cases in the Rwanda Tribunal. **The Advisory Committee recommends approval of the additional posts for the Appeals Unit and the Prosecution Division and one Professional post for the Investigation Division, but recommends against approval of the two additional General Service posts for the Investigation Division, in view of the large number of vacant posts in that Division.**

31. The staffing proposal of the Office of the Prosecutor also includes the reclassification of eight legal officer posts from the P-2 to the P-3 level. Reasons for these reclassifications are given in paragraphs 15 and 16 of annex II to the budget report and further justification was provided during the hearings. **Accordingly, the Advisory Committee recommends acceptance of the proposed reclassifications.**

32. The Advisory Committee notes from paragraph 23 of the budget report that the most significant development for the Office of the Prosecutor has been the effect of a number of arrests by the multinational Stabilization Force (SFOR) (see also A/55/273-S/2000/777, para. 183). As the result of 12 arrests, as of June 2000, the Office of the Prosecutor is faced with the preparation of nine trials and is actively prosecuting four trials, as compared with five trials in 1999 (see also A/55/517, annex V). For 2001, 15 additional detainees are assumed in the budget, leading to 10 additional cases.

33. Other staff cost requirements are estimated at $4,824,300, comprising a provision of $84,600 for overtime and $4,739,700 for general temporary assistance, reflecting a reduction of $44,500, as compared with $4,868,800 appropriated for the year 2000 (A/55/517, table 5, and para. 36). The Committee notes from paragraph 36 (b) that a net decrease of $39,100 in the estimate for general temporary assistance, as compared with the appropriation for 2000, is attributable to the completion of exhumation in Kosovo in 2000, offset by the increased requirements of general temporary assistance for pre-trial and trial peak periods.

34. Upon request, the Advisory Committee was informed that **the Office of the Prosecutor has completed its forensic work in Kosovo. The morgue at Orahovac has been shut down and equipment is in the process of being transferred. All gratis personnel have left the mission area. A report on the number of mass graves investigated and on the number of bodies exhumed is still pending. As reflected in the budget proposal for 2001, the Office of the Prosecutor will not conduct any further exhumations of mass graves in Kosovo but instead will focus on several sites in Bosnia and Herzegovina. There are no plans to use gratis personnel in this project, as it is expected it will be fully funded through the regular budget.**

35. In paragraph 36 (b) (i) of the report, a provision of $1,659,700 is requested for general temporary assistance for pre-trial and peak trial support. It is indicated that additional posts are requested in order to handle some of the pre-trial and peak trial support workload, but some portion of the pre-trial work is sporadic and could be better met by using general temporary assistance. As indicated in paragraphs 24 and 30 above, the Advisory Committee has recommended approval of all Professional posts requested for the Office of the Prosecutor and has urged the filling of vacant posts in this area. The Committee notes that the resources requested for general temporary assistance are in the nature of a contingency. **The Committee believes that if the posts recommended and the vacant posts are filled, recourse to general temporary assistance in 2001 might not be necessary in the full amount requested. In the view of the Committee, as long as there are vacant posts in the Office of the Prosecutor, additional general temporary assistance for peak period support could be charged to resources for vacant posts. Accordingly, the Advisory Committee recommends approval of $1 million out of the $1,659,700 requested**

for general temporary assistance in paragraph 36 (b) (i) of the budget report.

36. In paragraph 36 (b) (ii) of the report, a provision of $1,415,100 is requested for general temporary assistance for the indexing of documents. **The Committee agrees that the need for processing documentation continues to be an issue of high priority for the Office of the Prosecutor; therefore, it recommends approval of the Secretary-General's request, including 12 work-months for a P-2 information officer to work in computer systems for document exploitation.**

37. **The Advisory Committee also recommends approval of the $565,600 requested for temporary analysts for the Military Analysis Team and the Leadership Research Team in paragraph 36 (b) (iii); the $1,099,300 requested for the exhumation project in Bosnia and Herzegovina mentioned in paragraph 36 (b) (iv); and the $2,820,200 requested for consultants, travel and contractual services in paragraphs 37 to 39 of the budget report.**

The Registry

38. The resource requirement for the Registry for 2001 amounts to $73,605,800 gross ($67,561,700 net of staff assessment and other income), reflecting an increase of $5,951,200 gross ($5,263,000 net of staff assessment and other income), or an increase of 8.8 per cent gross (8.4 per cent net), over the 2000 appropriation of $67,654,600 gross ($62,298,700 net of staff assessment and other income). In addition, in 2001, estimated extrabudgetary resources, amounting to $2,132,600, will be administered by the Registry, as compared to $2,015,000 in 2000 (A/55/517, table 7).

39. For the Registry, the staffing requirements in the proposed assessed budget for 2001 comprise 555 posts (203 Professional, 223 General Service and 129 security personnel), including the creation of 77 posts (17 Professional and 41 General Service and 19 security personnel). In addition, the proposed requirements for 2000 include 14 extrabudgetary posts (1 P-3 and 13 General Service) (ibid., table 8). The staffing proposal for the Registry for 2001 also includes the reclassification of five posts. Paragraphs 46 to 95 of annex II to the budget report provide detailed justifications for the 77 new posts and 5 reclassifications.

40. The Advisory Committee notes from paragraphs 42 and 43 of the main body of the report that the usage of the courtrooms of the Tribunal has increased significantly, from approximately 30 per cent in 1999 to 75 per cent in 2000, and that it is expected that the pace of courtroom activity will be maintained in 2001. As a consequence, the Registry is requesting additional resources to provide adequate support to the expected level of activity of the Tribunal in 2001.

41. The Advisory Committee notes from paragraphs 47, 48 and 50 of annex II to the budget report that two new posts (1 P-4 and 1 General Service) proposed for the Office of the Registrar and a new P-3 special assistant post for the Deputy Registrar were submitted last year in the proposed budget for 2000. **For the reason given in paragraphs 49 and 50 of its report of 2 December 1999 (A/54/645), the Committee recommends against approval of these posts.**

42. In paragraph 51 of annex II to the report, it is proposed to reclassify a post in the Office of the President from the P-4 to the P-5 level. **The Advisory Committee is not convinced of the need to reclassify this post and therefore recommends against the proposal.**

43. In paragraph 62 of annex II to the report, a reclassification of a P-5 post to D-1 level is requested for the post of General Counsel in the Legal and Witnesses Division. **The Advisory Committee recalls that this post was also submitted for reclassification in the proposed budget for 2000. In this connection, the Committee reiterates its observations in paragraph 53 of last year's report (A/54/645), in which it cautioned against the tendency to inflate the organizational nomenclature with the consequent temptation to request higher-grade posts. The Committee is not convinced that a justification has been given to reclassify the P-5 General Counsel post.**

44. In paragraphs 65 to 68 of annex II to the report, four new General Service posts and a reclassification of a P-3 protection officer post to the P-4 level are proposed for the Victims and Witnesses Section. **In the view of the Advisory Committee, the justification provided for the new four General Service posts and the proposed reclassification of the P-3 protection officer post do not support the request. Accordingly, the Committee recommends against its approval and therefore recommends against it.**

45. For the Security and Safety Section, the requirements of the Tribunal in 2001 include 19 additional security officers, comprising 5 security officers for the Belgrade Office, 10 security officers for the third office building at The Hague and 4 security officers for executive protection and field security duties. In addition, it is requested to reclassify the post of Deputy Chief of the Security and Safety Section from the P-3 to the P-4 level. **For the reasons given in paragraphs 66 to 76 of annex II to the report and by representatives of the Secretary-General during the hearings, the Advisory Committee recommends approval of the request for the Security and Safety Section**.

46. Four additional posts are requested (A/55/517, annex II, paras. 77-79) for the Finance Section of the Administrative Support Division: a P-2 post for the Chief of Payroll and three General Service posts to provide assistance with the accounts and the travel and vendors claims. The Advisory Committee recalls that three of these four additional posts (1 P-2 and 2 General Service) were submitted in the proposed budget for 2000 and that it recommended against their approval (see A/54/645, para. 77). **For the reasons given in paragraphs 58 and 59 of its previous report (A/54/645), the Advisory Committee recommends against approval of these four additional posts in the Finance Section**.

47. Three additional General Service posts are requested for the Human Resources Section (A/55/517, annex II, para. 82). The Advisory Committee recalls that the request for these three additional General Service posts was also submitted in the proposed budget for 2000 and that it recommended against their approval (see A/54/645, paras. 60 and 77). **The Committee reiterates its recommendation against approval of these three General Service posts in the Human Resources Section**.

48. Requirements for conference and language services include 14 additional Professional posts and 10 additional General Service posts, including 2 additional P-4 posts for English language translator/revisers, 1 additional P-4 for a Conference Interpretation Unit Chief, 1 P-3 terminologist post, 2 P-3 English language translator posts, 3 P-3 French language translator posts, 1 P-3 conference interpreter post and 4 P-2 English language associate translator posts (A/55/517, annex II, paras. 83-88). **The Advisory Committee recommends approval of these 14 additional Professional and 10 additional General Service posts for conference and language services**.

49. Five additional General Service posts are proposed for the Electronic Support and Communications Section and nine additional General Service posts are proposed for the General Service Section (ibid., paras. 89-95). As indicated in paragraphs 89 and 91 of annex II to the report, the current staffing table includes 44 posts (10 Professional and 34 General Service) in the Electronic Support and Communications Section and 26 posts (4 Professional and 22 General Service) in the General Service Section. The Advisory Committee recalls that, in the proposed budget for 2000, five additional General Service posts were requested, four for the Electronic Support and Communications Section and one for the General Service Section. The Committee recommended against their approval and requested that the functions proposed for the new posts be absorbed (A/54/645, para. 62). **In the light of the justifications provided during the hearings, the Committee recommends approval of seven additional posts for these two sections instead of 14 additional posts**.

50. A provision of $2,791,100 is requested for other staff costs under the Registry, reflecting a net decrease of $1,614,300, or 36.6 per cent, as compared with the appropriation of $4,405,400 for 2000. The decrease in requirements under other staff costs relates mainly to the changeover from direct court reporting to remote court reporting in French, which is budgeted under contractual services in 2001. The Advisory Committee recalls that, in paragraph 64 of last year's report (A/54/645), it welcomed the replacement of direct court reporting by remote reporting, which was planned for the second half of 2000. For 2000, expenditure for other staff costs under the Registry is projected at $4,038,000, which includes non-recurrent costs of the Kosovo exhumation project, reflecting an under-expenditure of $367,400, as compared with the appropriation of $4,405,400 for 2000 (see annex I to the present report). **Under the circumstances, the Committee recommends that the proposed appropriation of $2,791,100 be approved**.

51. The proposed travel budget for 2001 amounts to $2,432,500, reflecting an increase of $304,900, as compared with the appropriation of $2,127,600 for 2000. A provision of $1,960,000 is included in the proposed budget for 2001 to cover travel and allowance of witnesses and witness support persons, dependent children and disabled adults, and accommodation and

communications costs for witness assistants. It is anticipated that 670 witnesses and 134 persons will travel to The Hague in 2001 for the purpose of hearings and trials (A/55/517, para. 51).

52. The Advisory Committee recalls that, based on the experience in 1998 and 1999, it recommended a reduction of 10 per cent in the Registry's proposed travel budget for 2000 (A/54/645, para. 66). The Committee notes that projected travel expenditures for 2000 amount to $1,761,000, reflecting a projected under-expenditure of $366,600 (see annex I to the present report). The Committee requested information on witnesses who travelled to The Hague but did not testify in courts. The Committee was informed that, as at 30 September 2000, 421 witnesses, support persons, children and dependants had travelled to The Hague and the related expenditure was $826,500. Of the 421 witnesses, 43 did not testify. Reasons for not testifying included poor planning and preparation of cases, changes in the strategy of the parties, change of mind of witnesses, changes in the court schedule, longer-than-anticipated testimonies of previous witnesses and last-minute refusals or inability of witnesses to testify. **Based on the prior experience, the Advisory Committee recommends that an appropriation of $2,190,000 be approved for the Registry's travel budget for 2001, reflecting a reduction of approximately 10 per cent from the proposed amount.**

53. The Registry's requirements for contractual services are estimated at $22,624,200, reflecting an increase of $3,957,500, or 21.2 per cent, as compared with an appropriation of $18,666,700 for 2000, mainly owing to the increased number of detainees requiring services and defence counsel, as well as the utilization of an institutional contractor instead of individual contractors for French verbatim reporting (A/55/517, para. 52).

54. For the proposed budget for 2001, as for the budget of 2000, the bulk of the request for contractual services is for defence counsel ($14,800,000), representing approximately 65.4 per cent of the total proposed requirements under contractual services ($22,624,200). The estimate for defence counsel is calculated on the basis of 50 indicted persons in detention, as compared with 40 indictees projected for 2000 (see A/55/517, para. 52 (a), and annex V). For 1999, as indicated in the performance report, a saving of $2,463,200 was realized under the provision for defence counsel owing to the lower number of detainees (29), as compared with 40 detainees assumed in the budget (A/55/623, para. 11 (a)). For the year 2000, upon request, the Committee was informed that projected expenditures for defence counsel would amount to $12,354,100 (see annex I to the present report).

55. In the past, the Advisory Committee has expressed concern about the increasing cost of defence counsel activities and the fact that they are becoming very complex to manage, and that their expenditure has become difficult to monitor and control. The Committee has encouraged the development of standard rates (see, for example, A/54/645, para. 68). The Board of Auditors has also recommended that the Tribunal review its legal aid system with the aim of establishing tighter controls over defence costs.[1] In this connection, the Committee was provided upon request with the Tribunal's amended legal aid payment practice (see annex IV to the present report).

56. The Committee recalls the comments of the Expert Group concerning dilatory motions and pleadings which have the effect of lengthening trial proceedings (see A/55/517, annex VII, recommendation 5 of the Expert Group). **The Committee welcomes the actions taken so far by the judges and the Registry to address these matters, including amendment of the Tribunal's Rules of Evidence and Procedure to deny fees for such motions.**

57. **The Advisory Committee also recalls the comments of the Expert Group on indications of fee-splitting arrangements between detainees and their defence counsel (see A/54/634, paras. 79 and 217). Although these indications have not been verified by the Expert Group, they should be investigated promptly and thoroughly. Laxity in this matter could lead to the impression that the legal aid system of the United Nations can be manipulated to become an open-ended opportunity for unwarranted gain. The Committee recommends that the Board of Auditors and the Office of Internal Oversight Services, within their respective mandates, re-double their efforts to follow up on these allegations. The Committee also recommends that the Tribunal review and, as necessary, adjust the present staff capacity to manage all aspects of the legal aid system.**

58. The cost of detainee services under contractual services is estimated at $3,960,300. The Advisory Committee notes that during 2001, the Tribunal plans

to accommodate in one location a total of 50 detainees at the cost of $3,838,800 for a total of 64 cells, along with the related services and guards, under the agreement with the Government of the Netherlands. In addition, the provision of $121,500 is requested to cover the costs of four detention guards under the agreements with the Governments of Austria and Denmark (A/55/517, para. 52 (b)).

59. In 1999, savings under contractual services amounted to $2,749,300, or 14.7 per cent of the 1999 appropriation of $18,709,400. For 2000, the projected expenditure under contractual services amounts to $17,826,700, reflecting potential savings of $840,000, as compared with an appropriation of $18,666,700 (see annex I to the present report). **Based on the prior experience, the Advisory Committee recommends that an appropriation of $21,000,000 be approved for the Registry's contractual services requirements, reflecting a reduction of approximately 7.2 per cent from the proposed amount.**

60. A provision of $15,316,400 is requested for general operating expenses ($8,870,600), alteration of premises ($804,400), supplies and materials ($1,244,400) and acquisition of furniture and equipment ($4,397,000) (A/55/517, paras. 54-57).

61. The provision of $8,870,600 for general operating expenses reflects an increase of $690,200 over the 2000 appropriation. An amount of $3,433,300 is for rental of premises. The Advisory Committee notes that a provision of $581,000 is included under rental of premises for additional office space in 2001 (approximately 8,000 square metres) in anticipation of the additional new staff (89) and those under temporary assistance contracts for 2001. A provision of $87,700 is also included under rental of premises for the Tribunal's field offices in Zagreb, Sarajevo, Skopje, Pristina and Banja Luka. The Belgrade office is expected to reopen in 2001 (A/55/517, para. 54 (a) (iii) and (iv)).

62. The Advisory Committee sought clarifications on requirements for additional office space and was informed that the Tribunal has currently a shortfall of space for approximately 200 people. This figure does not take into account additional general temporary assistance requirements for the Office of the Prosecutor envisaged for 2001. This has caused work areas to be overcrowded; while other space is used for office space, some sections are working in shifts and some are sharing desks. In 2001, an additional 54 staff are requested in the event that the ad litem judges are approved. This means that a total deficit of about 254 workstations plus the possible requirement for general temporary assistance staff and an additional eight judges' chambers will be created in 2001 (six ad litem judges plus two Appeals Chamber judges who will be based in The Hague). A detailed space analysis of existing office space was also provided. With regard to the reopening of the Belgrade office, the Advisory Committee was informed that the Tribunal is currently exploring the possibility and options of office accommodation in Belgrade.

63. As shown in the 1999 performance report (A/55/623, table 2), cost savings of $2,173,600, or approximately 20 per cent of the amounts appropriated ($10,809,300), were realized in the following categories of expenditure: general operating expenses ($995,200), supplies and materials ($590,700) and alterations to premises ($587,700). Projected expenditures for 2000 for these three categories of expenditure indicate cost savings of approximately $1,078,000, or approximately 10.9 per cent of the amounts appropriated ($9,859,400) (see annex I to the present report). **Based on the prior experience, the Advisory Committee recommends that an appropriation of $14,550,600 be approved for the four categories of expenditure mentioned in paragraph 60 above, reflecting a reduction of approximately 5 per cent from the proposed amount.**

64. The Advisory Committee recalls that it has recommended that the financial period for the Tribunal should be established for two calendar years with a corresponding biennial audit, but with the proviso that an annual budget with an annual assessment would be maintained (A/54/645, para. 76). **In this connection, bearing in mind the Committee's concern with the issue of vacancy management mentioned in paragraph 24 above, the Committee recommends that, under the delegated authority of the Registrar for the appointment and administration of staff, the Registrar continue to administer the necessary human resources in an efficient manner and issue personnel contracts to staff of the Tribunal for periods longer than those of the annual budget but within the financial period of the Tribunal. With regard to the biennialization of the Tribunal's budget, the Committee intends to discuss this subject and other improvements in the presentation**

of the budget document, in the context of the next budget submission of the Tribunal.

III. Conclusions and recommendations

65. On the basis of the recommendations and observations indicated above, the Advisory Committee recommends that the General Assembly approve the appropriation of $108,487,700 gross ($96,443,900 net) for the operations of the International Tribunal for the Former Yugoslavia in 2001. This would represent a reduction of $3,976,600 gross ($3,736,900 net) from the estimate of $112,464,300 gross ($100,180,800 net), indicated in paragraph 60 of the proposed budget (A/55/517). Post reductions recommended by the Committee are summarized as follows:

Summary of post reductions recommended by the Advisory Committee on Administrative and Budgetary Questions

Organizational unit	*Posts*	*Paragraph No.*
Office of the Prosecutor		
Administrative support, Investigation Division	2 General Service	30
Registry		
Office of the Registrar	1 P-4 and 1 General Service	41
Office of the Deputy Registrar	1 P-3	41
Victims and Witnesses Section	4 General Service	44
Finance Section	1 P-2 and 3 General Service	46
Human Resources Section	3 General Service	47
Electronic Support and Communications Section and General Service Section	7 General Service	49

Total of 23 posts (3 Professional and 20 General Service) not recommended for approval for 2001.

Summary of proposed reclassifications not recommended for approval by the Advisory Committee on Administrative and Budgetary Questions

Organizational unit	*Posts*	*Paragraph No.*
Registry		
Office of the President	1 P-4 to P-5	42
Office of the General Counsel	1 P-5 to D-1	43
Victims and Witnesses Section	1 P-3 to P-4	44

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 5I.* (A/55/5/Add.12), para. 38

Annex I

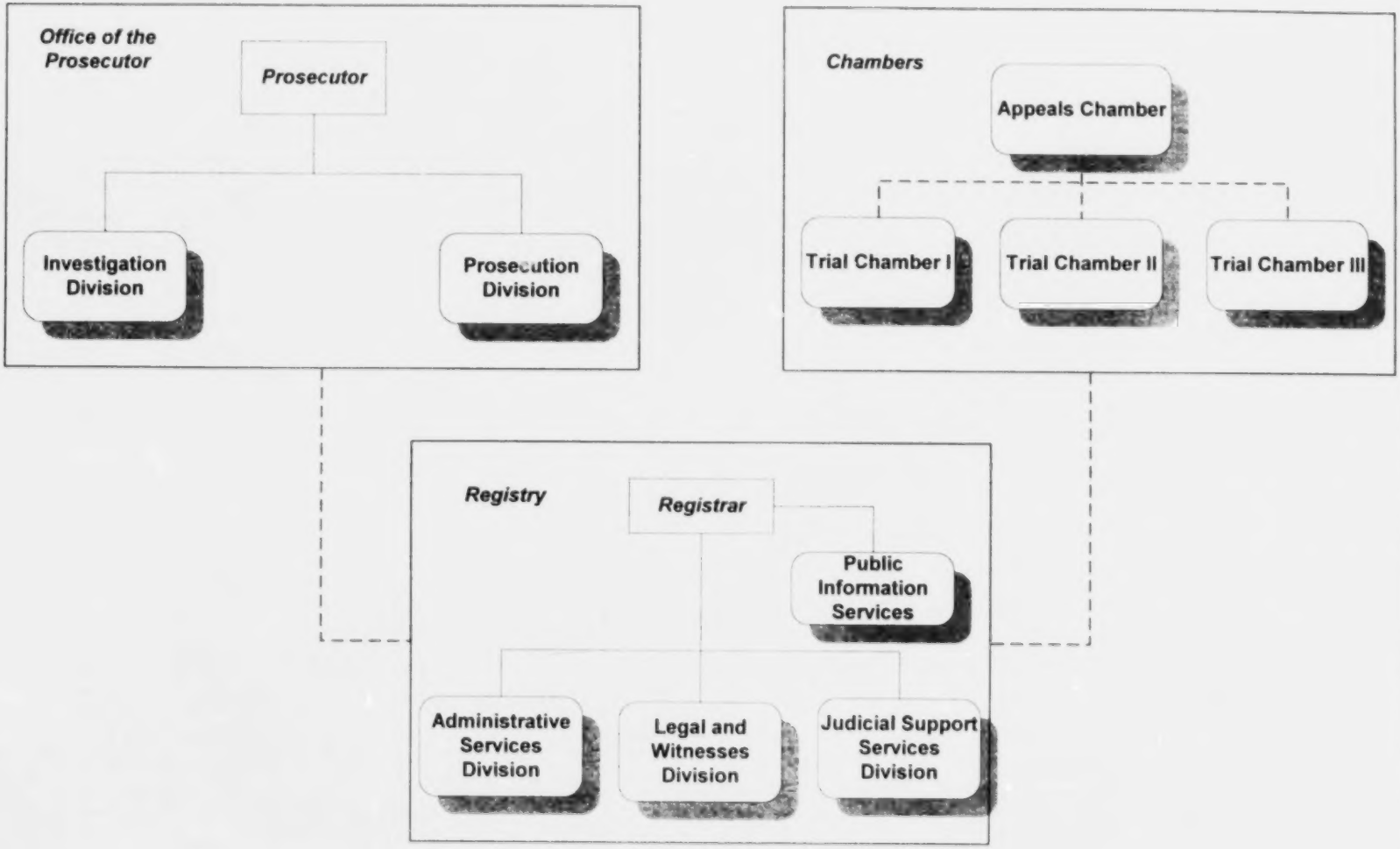
Summary of the expenditures of the International Tribunal for the Former Yugoslavia for 1999 and 2000

	1999 estimate	*1999 expenditures*	*(a) 2000 estimate*	*(b) Expenditures, 30 September 2000*	*(c) Forecast, October-December 2000*	*(d)=(b)+(c) 2000 expenditures Total*	*(e)=(a)-(d) Variance*
Total							
Temporary posts	46 006.7	41 684.5	48 129.8	33 054.0	14 705.3	47 759.3	370.5
Other staff costs	6 774.3	3 906.5	9 274.2	6 965.8	1 941.0	8 906.8	367.4
Compensations to judges	2 521.2	2 492.6	2 584.5	1 915.3	687.8	2 603.1	(18.6)
Consultants and experts	441.1	104.4	203.5	150.2	50.0	200.2	3.3
Travel	4 955.3	3 367.5	4 487.8	3 509.7	611.5	4 121.2	366.6
Contractual services (a)	18 709.4	15 970.9	18 716.4	16 150.1	1 726.3	17 876.4	840.0
Hospitality	4.0	1.5	4.0	0.8	3.2	4.0	0.0
General operating expenses	8 490.2	7 399.2	8 180.4	6 735.8	773.4	7 509.2	671.2
Supplies and materials	1 309.8	718.3	1 038.5	823.9	254.7	1 078.6	(40.1)
Acquisition of equipment	3 887.7	4 001.7	2 688.2	1 972.8	1 195.0	3 167.8	(479.6)
Construction, alterations	1 009.3	0.0	640.5	93.6	100.0	193.6	446.9
Staff assessments	9 328.6	4 498.5	10 201.6	8 716.9	2 905.6	11 622.6	(1 421.0)
Total, gross	**103 437.6**	**84 145.6**	**106 149.4**	**80 088.9**	**24 953.8**	**105 042.8**	**1 106.6**
Staff assessments	9 328.6	4 498.5	10 201.6	8 716.9	2 905.6	11 622.6	(1 421.0)
Other income	5.2	0.0	5.2	3.9	1.3	5.2	0.0
Total, net	**94 103.8**	**79 647.1**	**95 942.6**	**71 368.1**	**22 046.9**	**93 415.0**	**2 527.6**
(a) Breakdown of contractual services							
Defence counsel	14 200.0	11 736.8	13 205.0	11 354.1	1 000.0	12 354.1	850.9
Detention guards	2 348.3	2 552.9	3 208.1	2 964.1	250.0	3 214.1	(6.0)
Translation	196.0	194.4	237.5	316.8	100.0	416.8	(179.3)
Verbatim reporting	782.4	758.9	909.3	776.7	100.0	876.7	32.6
Training	515.7	234.2	518.2	242.0	219.2	461.2	57.0
Other contractual services	667.0	493.7	638.3	496.4	57.1	553.5	84.8
Total - contractual services	18 709.4	15 970.9	18 716.4	16 150.1	1 726.3	17 876.4	840.0

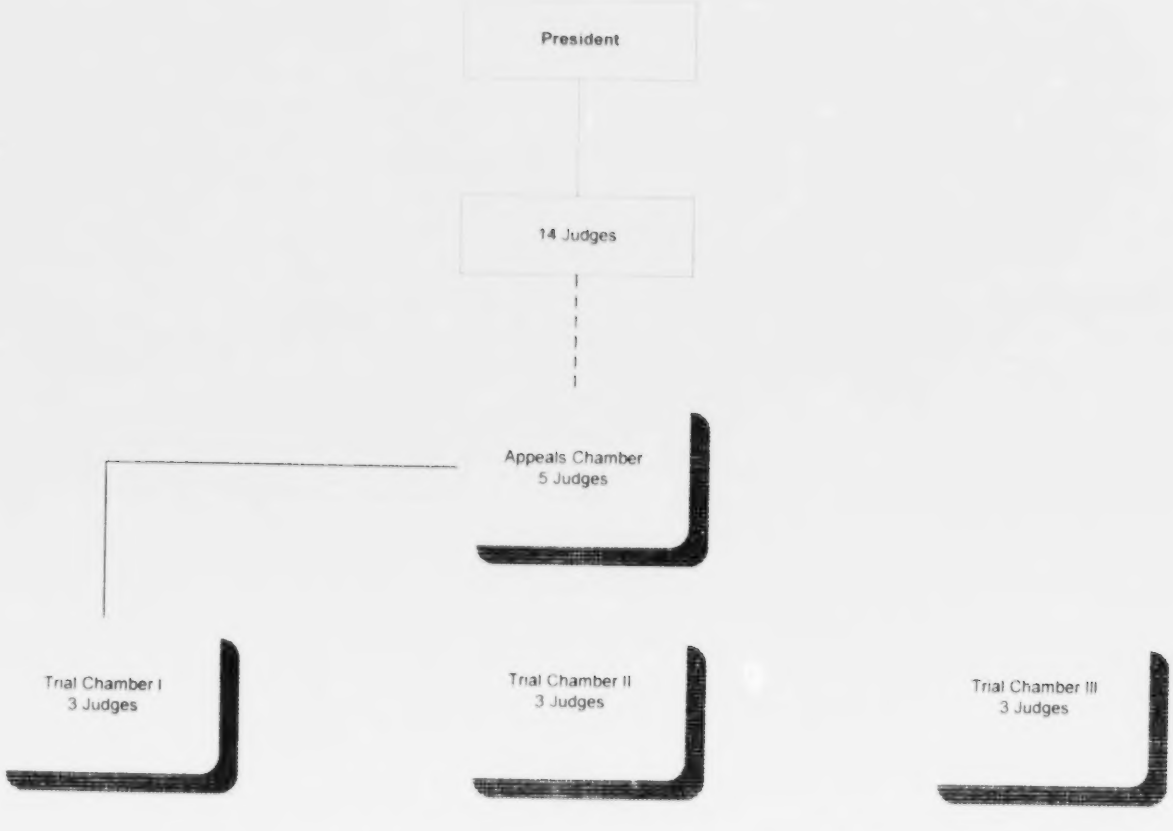
	1999 estimate	1999 expenditures	(a) 2000 estimate	(b) Expenditures 30 September 2000	(c) Forecast October-December 2000	(d)=(b)+(c) 2000 expenditures Total	(e)=(a)-(d) Variance
The Chambers							
Compensations to judges	2 521.2	2 492.6	2 584.5	1 915.3	687.8	2 603.1	(18.6)
Consultants and experts	15.0	8.7	15.0	9.9	5.1	15.0	0.0
Travel	65.2	32.8	65.2	40.1	25.1	65.2	0.0
Total, gross	**2 601.4**	**2 534.1**	**2 664.7**	**1 965.3**	**718.0**	**2 683.3**	**(18.6)**
Staff assessments	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total, net	**2 601.4**	**2 534.1**	**2 664.7**	**1 965.3**	**718.0**	**2 683.3**	**(18.6)**
Office of the Prosecutor							
Temporary posts	22 932.4	21 790.8	23 667.0	16 384.1	7 076.6	23 460.7	206.3
Other staff costs	1 817.0	1 267.6	4 868.8	4 227.8	641.0	4 868.8	0.0
Consultants and experts	63.6	68.3	98.7	73.8	24.9	98.7	0.0
Travel	1 956.2	2 141.1	2 295.0	2 283.6	11.4	2 295.0	0.0
Contractual services	66.1	10.8	49.7	30.5	19.2	49.7	0.0
Staff assessments	4 462.4	4 498.5	4 850.9	4 488.9	1 496.3	5 985.2	(1 134.3)
Total, gross	**31 297.7**	**29 777.1**	**35 830.1**	**27 488.7**	**9 269.4**	**36 758.1**	**(928.0)**
Staff assessments	4 462.4	4 498.5	4 850.9	4 488.9	1 496.3	5 985.2	(1 134.3)
Total, net	**26 835.3**	**25 278.6**	**30 979.2**	**22 999.8**	**7 773.1**	**30 772.9**	**206.3**
Registry							
Temporary posts	23 074.3	19 893.7	24 462.8	16 669.9	7 628.7	24 298.6	164.2
Other staff costs	4 957.3	2 638.9	4 405.4	2 738.0	1 300.0	4 038.0	367.4
Consultants and experts	362.5	27.4	89.8	66.5	20.0	86.5	3.3
Travel	2 933.9	1 193.6	2 127.6	1 186.0	575.0	1 761.0	366.6
Contractual services	18 643.3	15 949.3	18 666.7	16 119.6	1 707.1	17 826.7	840.0
Hospitality	4.0	1.5	4.0	0.8	3.2	4.0	0.0
General operating expenses	8 490.2	7 399.2	8 180.4	5 821.3	773.4	7 509.2	671.2
Supplies and materials	1 309.8	718.3	1 038.5	823.9	254.7	1 078.6	(40.1)
Acquisition of equipment	3 887.7	4 001.7	2 688.2	1 972.8	1 195.0	3 167.8	(479.6)
Construction, alterations	1 009.3	0.0	640.5	93.6	100.0	193.6	446.9
Staff assessments	4 866.2	0.0	5 350.7	4 228.0	1 409.3	5 637.3	(286.6)
Total, gross	**69 538.5**	**51 823.6**	**67 654.6**	**49 720.4**	**14 966.4**	**65 601.3**	**2 053.3**
Staff assessments	4 866.2	0.0	5 350.7	4 228.0	1 409.3	5 637.3	(286.6)
Other income	5.2	0.0	5.2	3.9	1.3	5.2	0.0
Total, net	**64 667.1**	**51 823.6**	**62 298.7**	**45 488.5**	**13 555.8**	**59 958.8**	**2 339.9**

Annex II

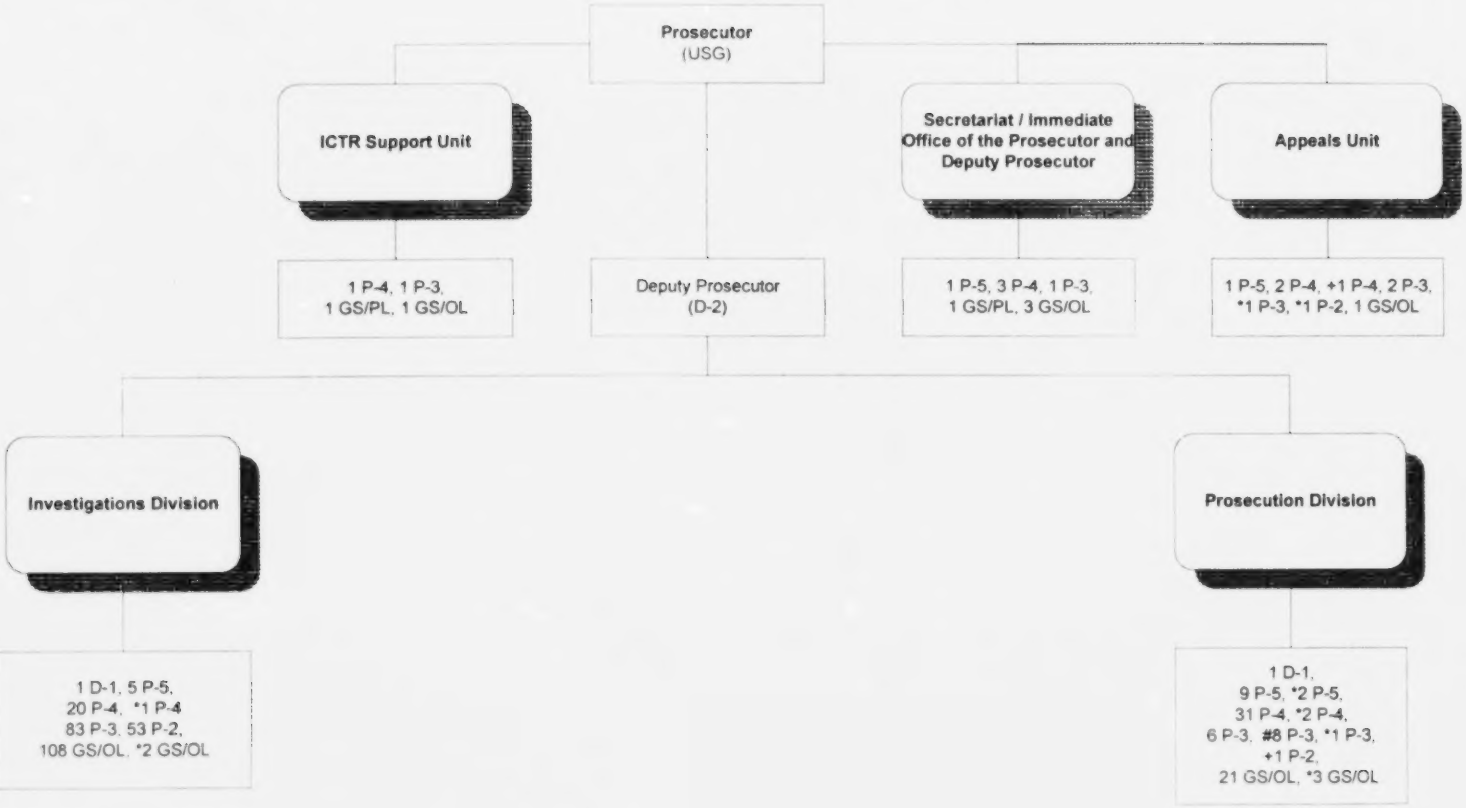
International Tribunal for the Former Yugoslavia



The Chambers
2001



Office of the Prosecutor: Post Summary 2001



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\+ - Redeployed

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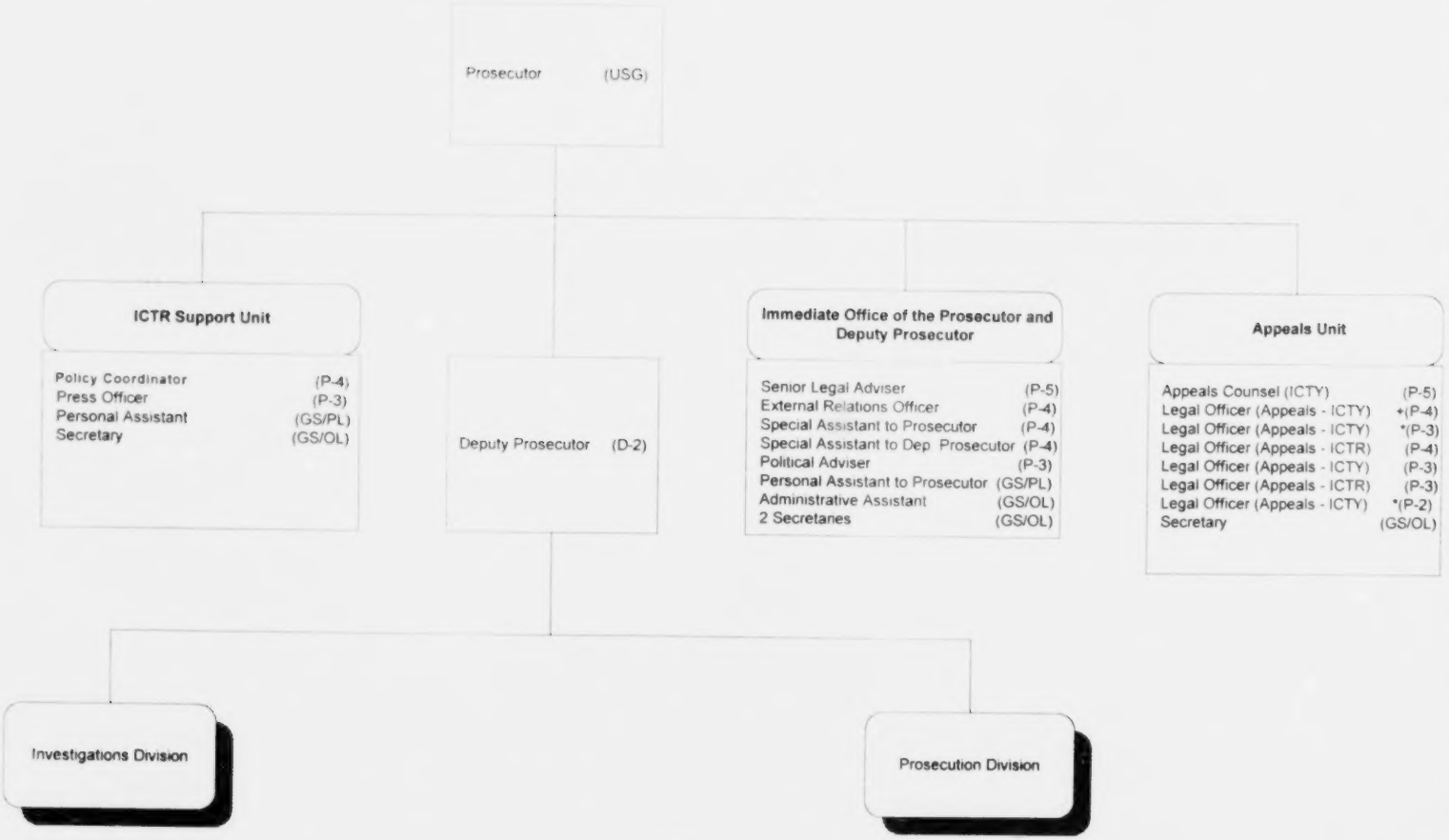
Prosecutor (USG)
ICTR Support Unit
Policy Coordinator (P-4)
Press Officer (P-3)
Personal Assistant (GS/PL)
Secretary (GS/OL)
Deputy Prosecutor (D-2)
Immediate Office of the Prosecutor and Deputy Prosecutor
Senior Legal Adviser (P-5)
External Relations Officer (P-4)
Special Assistant to Prosecutor (P-4)
Special Assistant to Dep. Prosecutor (P-4)
Political Adviser (P-3)
Personal Assistant to Prosecutor (GS/PL)
Administrative Assistant (GS/OL)
2 Secretaries (GS/OL)
Appeals Unit
Appeals Counsel (ICTY) (P-5)
Legal Officer (Appeals - ICTY) +(P-4)
Legal Officer (Appeals - ICTY) *(P-3)
Legal Officer (Appeals - ICTR) (P-4)
Legal Officer (Appeals - ICTY) (P-3)
Legal Officer (Appeals - ICTR) (P-3)
Legal Officer (Appeals - ICTY) *(P-2)
Secretary (GS/OL)
Investigations Division
Prosecution Division

* - New
\# - Reclassified
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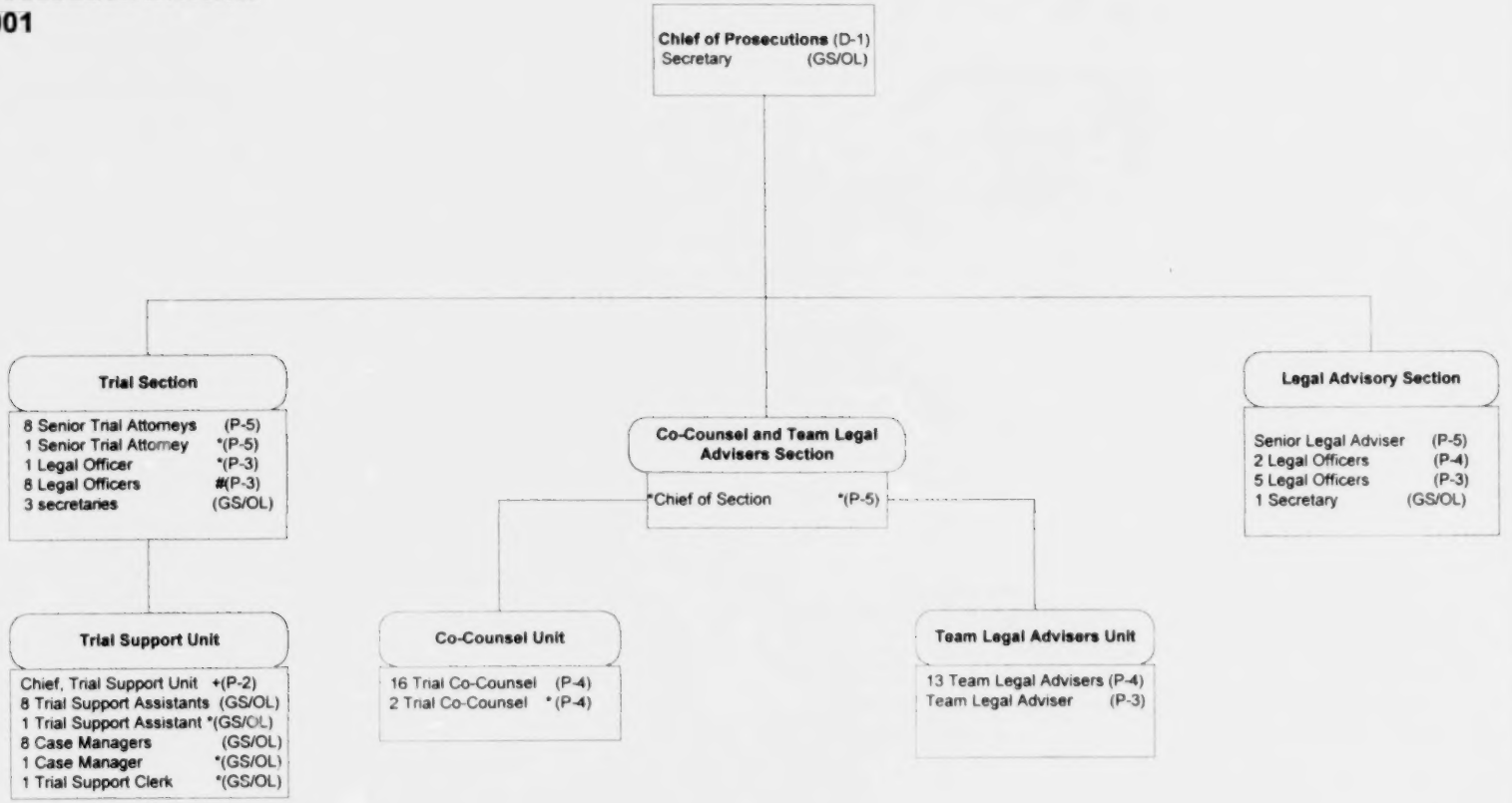
Office of the Prosecutor: Prosecution Division 2001


Chief of Prosecutions (D-1)
Secretary (GS/OL)
Trial Section
8 Senior Trial Attorneys (P-5)
1 Senior Trial Attorney *(P-5)
1 Legal Officer *(P-3)
8 Legal Officers #(P-3)
3 secretaries (GS/OL)
Co-Counsel and Team Legal Advisers Section
*Chief of Section *(P-5)
Legal Advisory Section
Senior Legal Adviser (P-5)
2 Legal Officers (P-4)
5 Legal Officers (P-3)
1 Secretary (GS/OL)
Trial Support Unit
Chief, Trial Support Unit +(P-2)
8 Trial Support Assistants (GS/OL)
1 Trial Support Assistant *(GS/OL)
8 Case Managers (GS/OL)
1 Case Manager *(GS/OL)
1 Trial Support Clerk *(GS/OL)
Co-Counsel Unit
16 Trial Co-Counsel (P-4)
2 Trial Co-Counsel * (P-4)
Team Legal Advisers Unit
13 Team Legal Advisers (P-4)
Team Legal Adviser (P-3)

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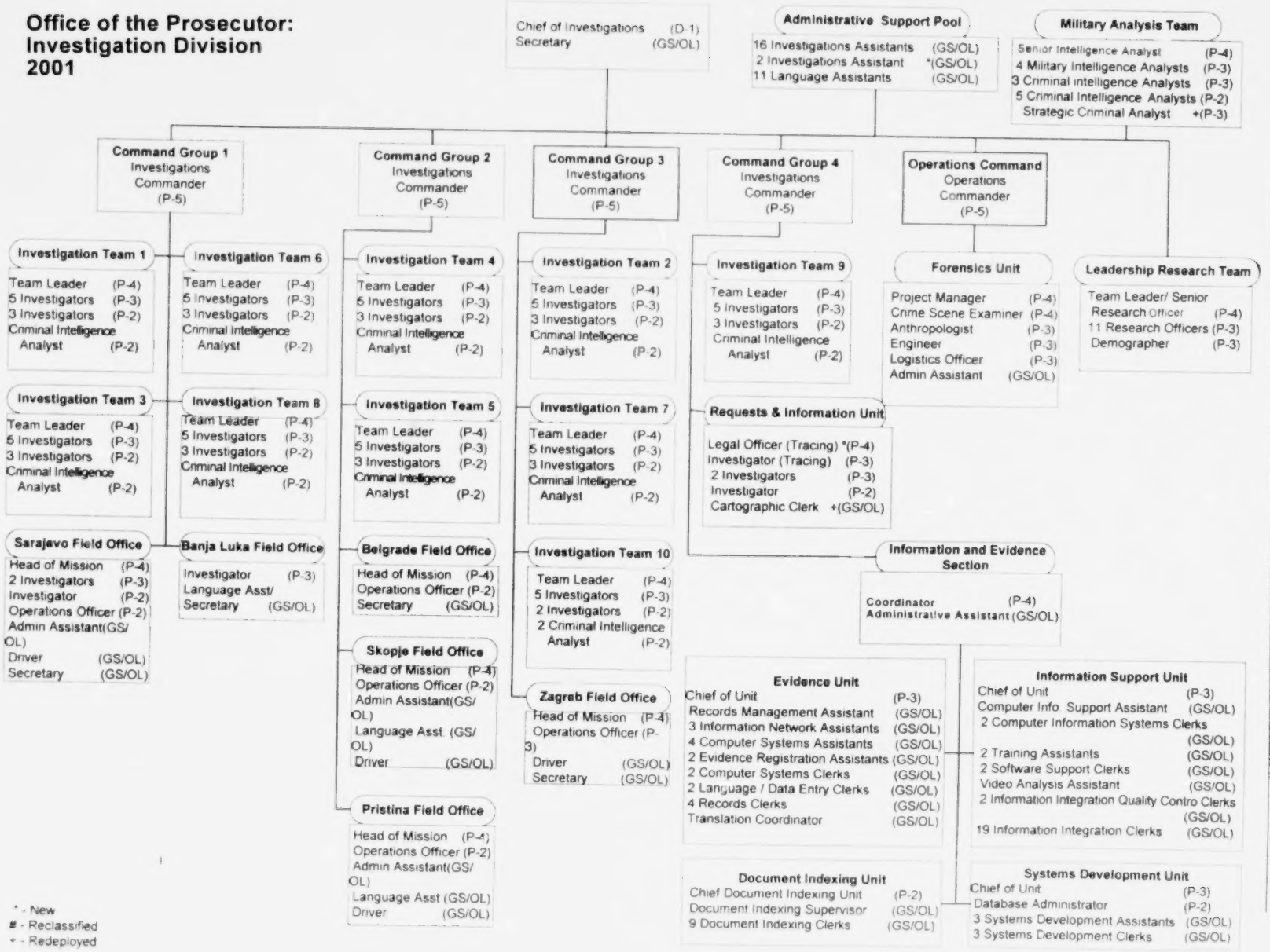
\# - Reclassified
\+ - Redeployed

Office of the Prosecutor: Investigation Division 2001



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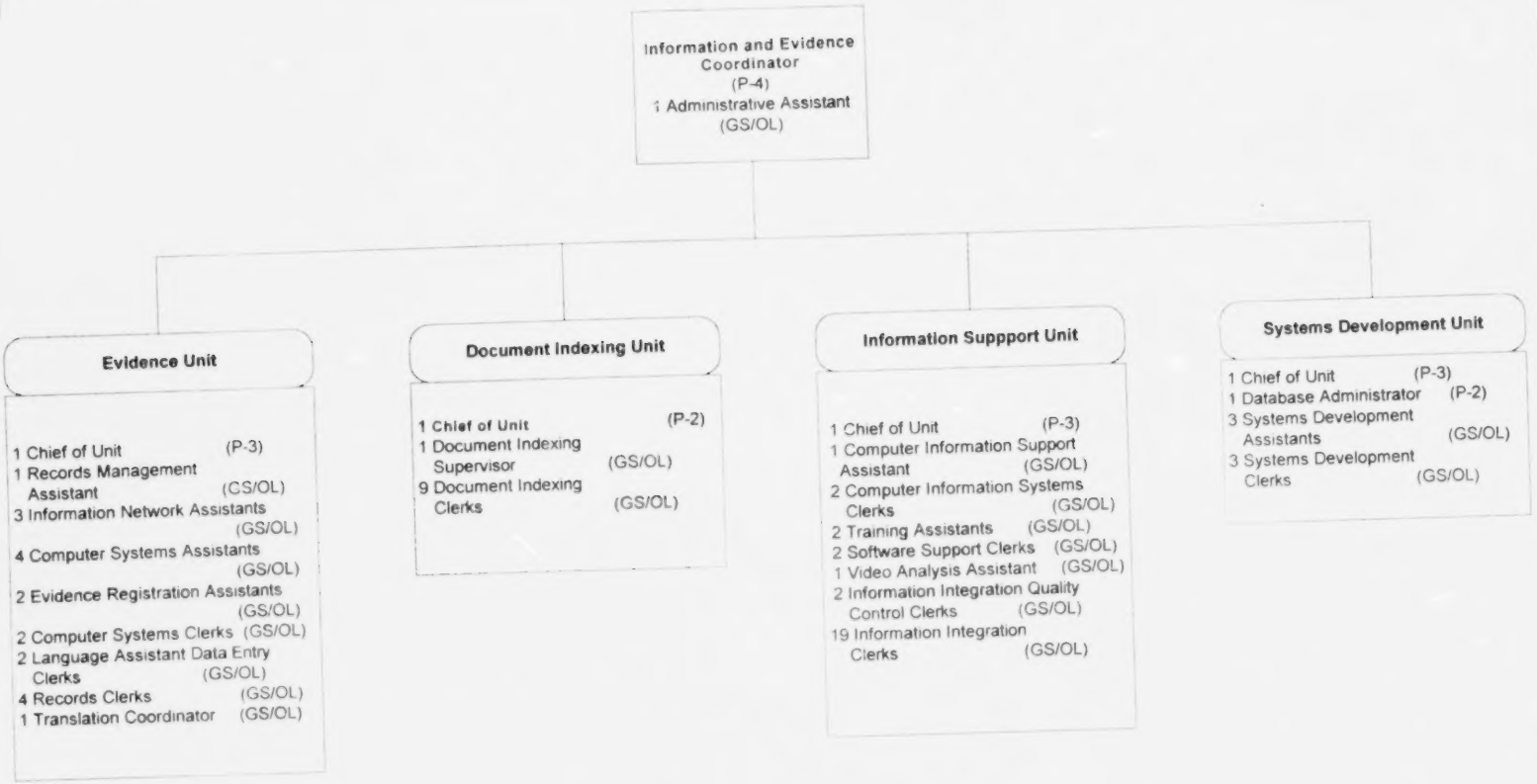
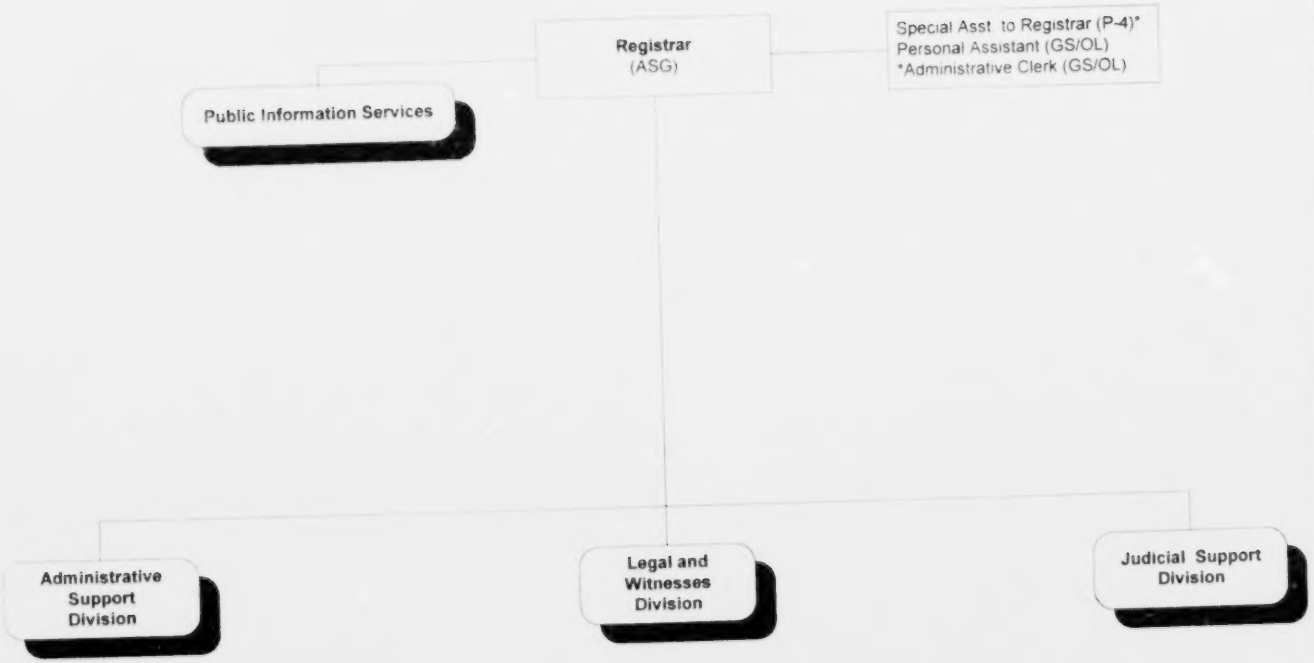
Office of the Prosecutor: Information and Evidence Section 2001


Information and Evidence Coordinator
(P-4)
1 Administrative Assistant
(GS/OL)
Evidence Unit
1 Chief of Unit (P-3)
1 Records Management Assistant (CS/OL)
3 Information Network Assistants (GS/OL)
4 Computer Systems Assistants (GS/OL)
2 Evidence Registration Assistants (GS/OL)
2 Computer Systems Clerks (GS/OL)
2 Language Assistant Data Entry Clerks (GS/OL)
4 Records Clerks (GS/OL)
1 Translation Coordinator (GS/OL)
Document Indexing Unit
1 Chief of Unit (P-2)
1 Document Indexing Supervisor (GS/OL)
9 Document Indexing Clerks (GS/OL)
Information Suppport Unit
1 Chief of Unit (P-3)
1 Computer Information Support Assistant (GS/OL)
2 Computer Information Systems Clerks (GS/OL)
2 Training Assistants (GS/OL)
2 Software Support Clerks (GS/OL)
1 Video Analysis Assistant (GS/OL)
2 Information Integration Quality Control Clerks (GS/OL)
19 Information Integration Clerks (GS/OL)
Systems Development Unit
1 Chief of Unit (P-3)
1 Database Administrator (P-2)
3 Systems Development Assistants (GS/OL)
3 Systems Development Clerks (GS/OL)

° - New
- Reclassified
+ - Redeployed

Registry: Offices
2001



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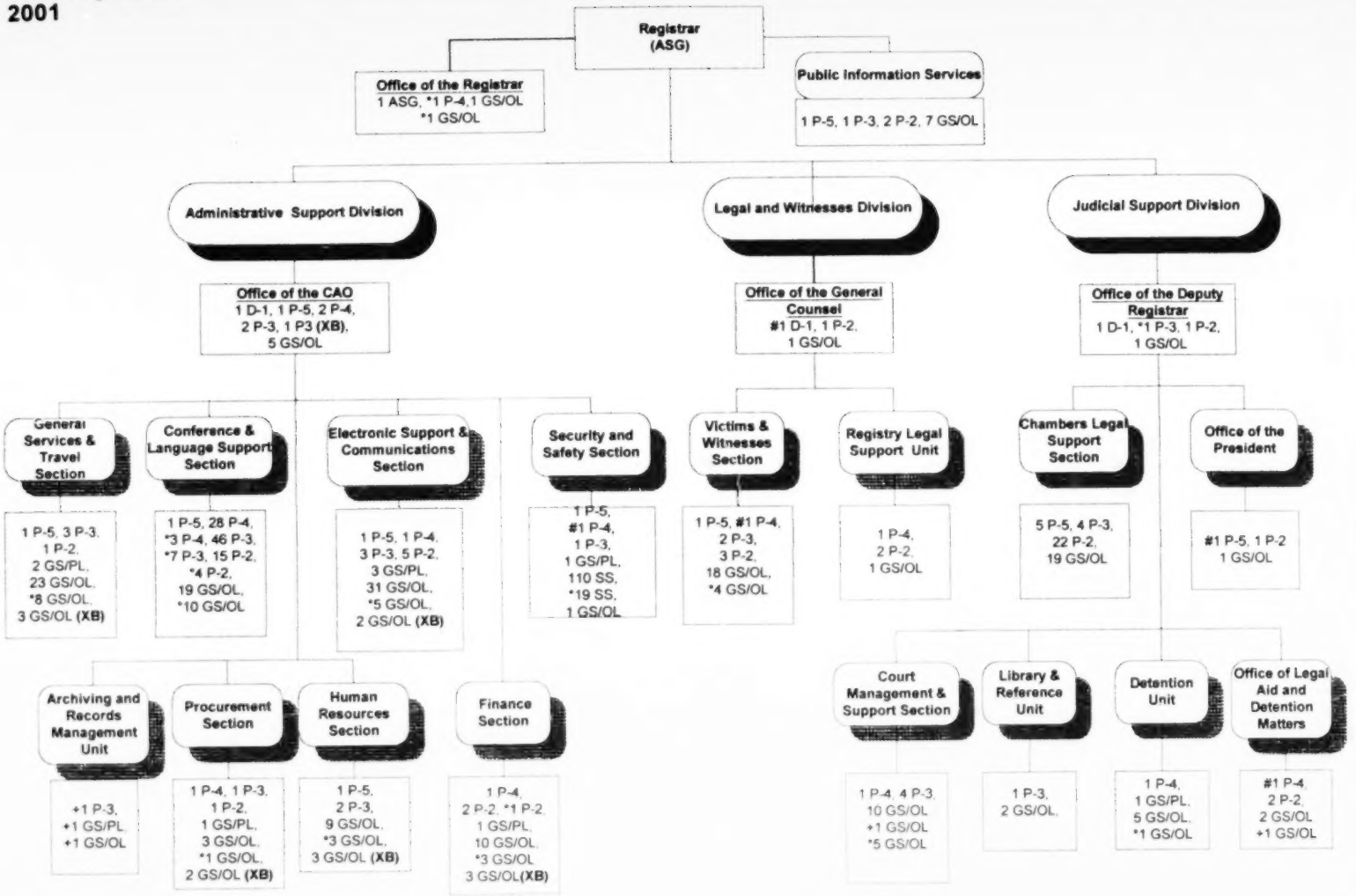
Registry: Posts by Office 2001



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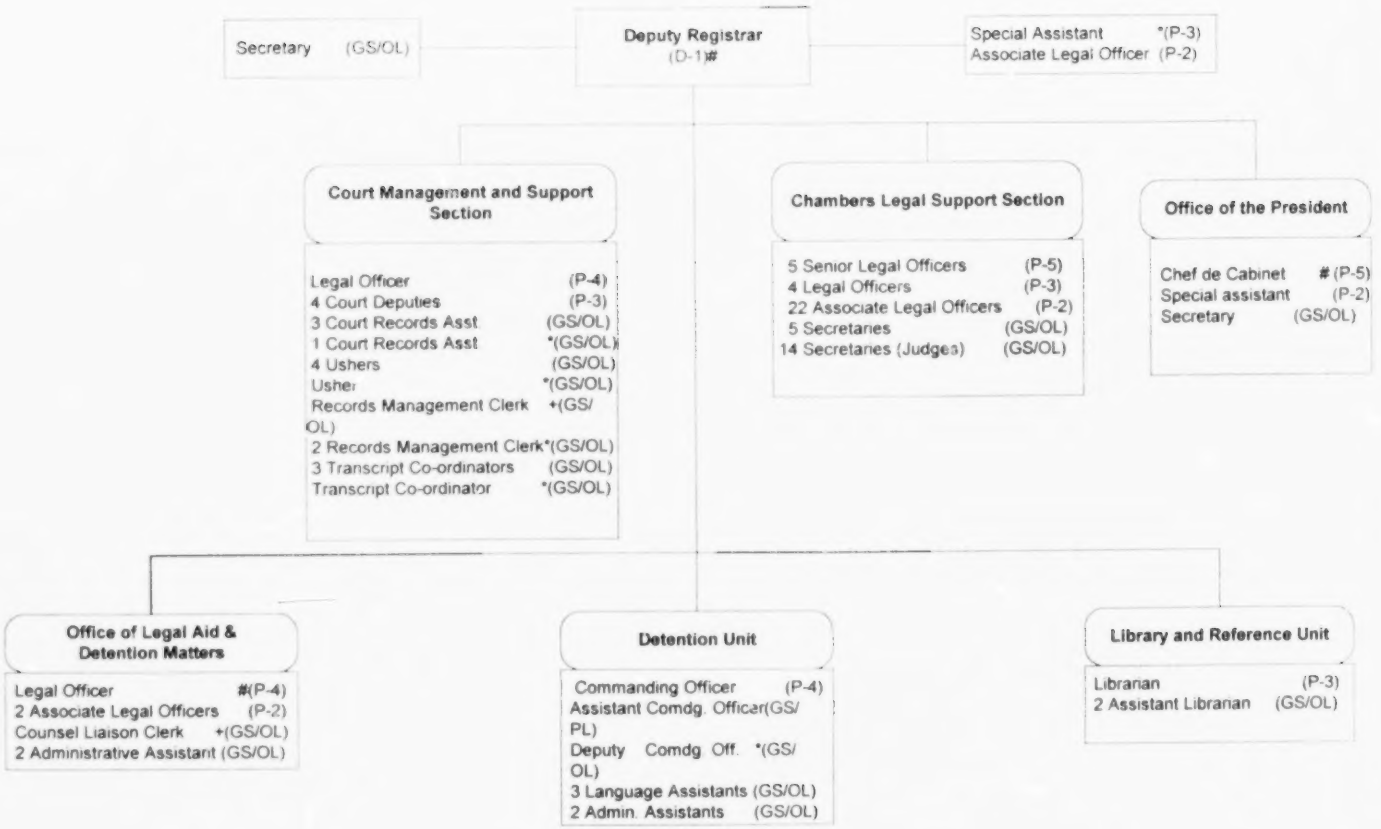
Registry:
Judicial Support Division
2001



* - New
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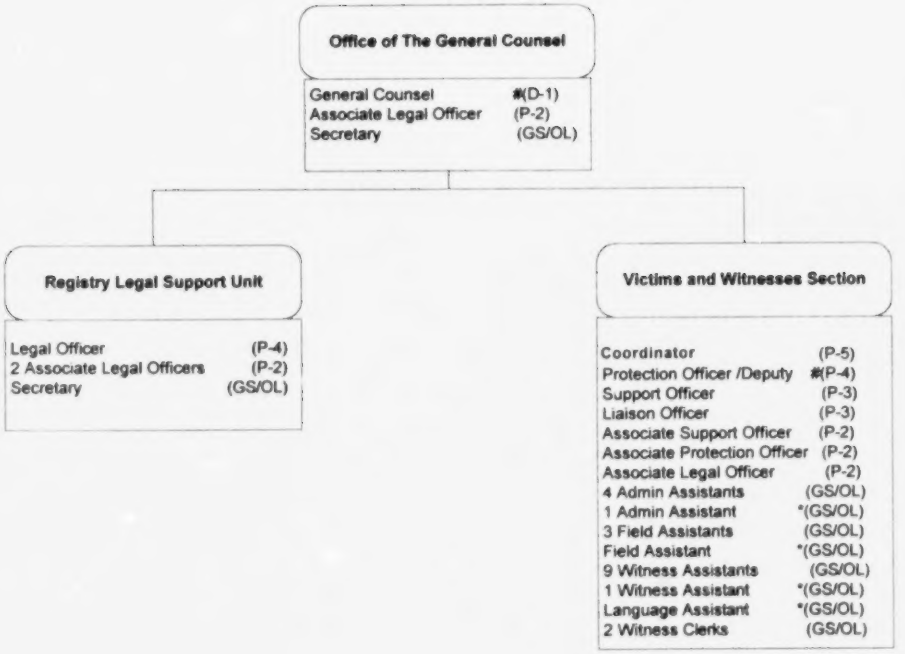
Registry:
Legal and Witnesses Division
2001



* - New
\# - Reclassified
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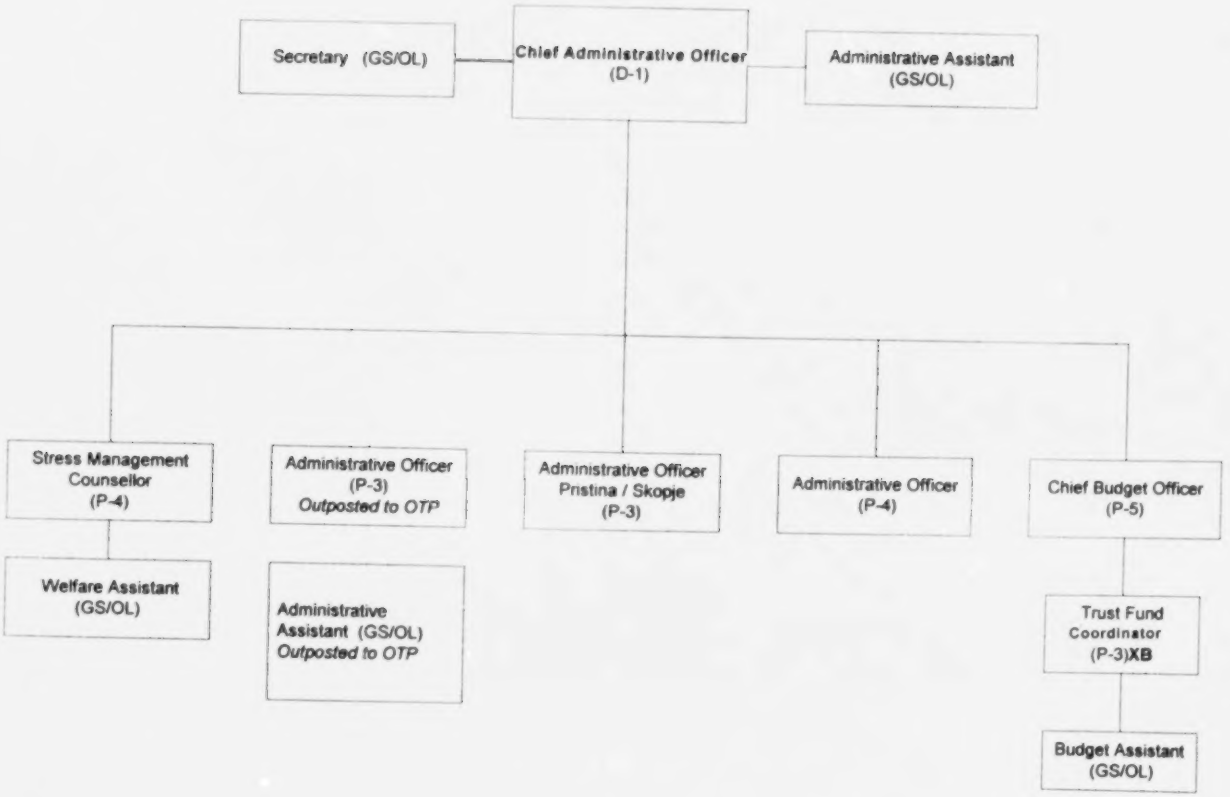
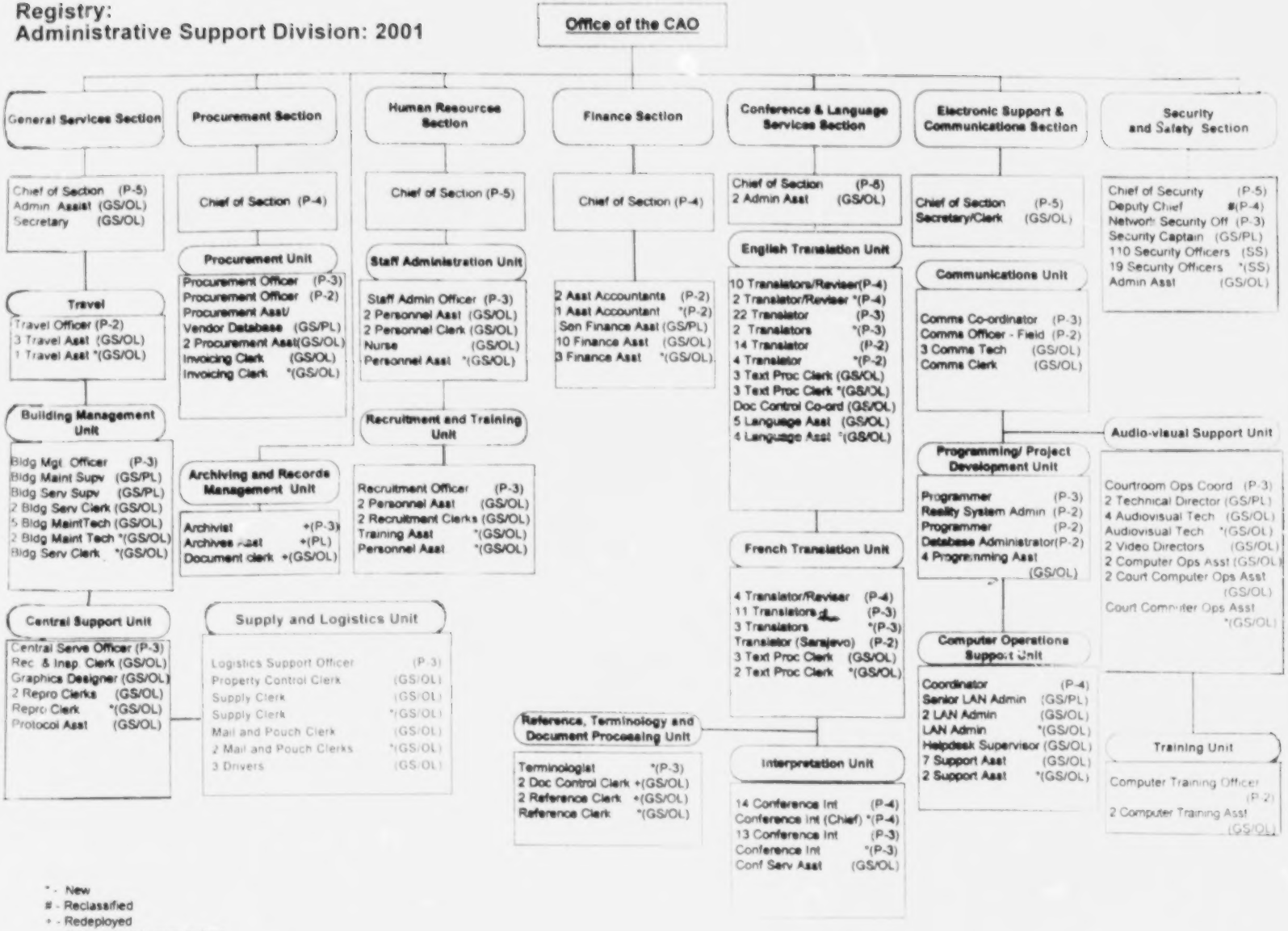
Registry:
Office of the Chief Administrative Officer
2001


Secretary (GS/OL)
Chief Administrative Officer (D-1)
Administrative Assistant (GS/OL)
Stress Management Counsellor (P-4)
Welfare Assistant (GS/OL)
Administrative Officer (P-3) Outposted to OTP
Administrative Assistant (GS/OL) Outposted to OTP
Administrative Officer Pristina / Skopje (P-3)
Administrative Officer (P-4)
Chief Budget Officer (P-5)
Trust Fund Coordinator (P-3)XB
Budget Assistant (GS/OL)

° - New
- Reclassified
+ - Redeployed

Registry:
Administrative Support Division: 2001



* - New
\# - Reclassified
\+ - Redeployed
– - Relating to Ad Litem Judges

Annex III

Vacancy statistics by division, service and section

as of 26 October 2000

Section	*Authorized*	*Vacant*	*Vacancy rate (Per cent)*
Office of the Prosecutor			
Immediate Office of the Prosecutor	22	3	13.6
Prosecution	77	9	11.7
Investigations	200	22	11.0
Information and Evidence	71	7	9.9
Subtotal for Division	**370**	**41**	**11.1**
Registry/Service: Registrar			
Office of the Registrar	2	0	0.0
Public Information	11	1	9.1
Subtotal for Division	**13**	**1**	**7.7**
Registry/Service: Administrative Division			
Office of the Chief Administrative Officer	11	1	9.1
Security and Safety	115	1	0.9
Human Resources	12	0	0.0
Budget and Finance	14	0	0.0
General Services	26	1	3.8
Procurement	11	1	9.1
Electronic Support and Communications	44	2	4.5
Conference and Language Services	109	5	4.6
Subtotal for Division	**342**	**11**	**3.2**
Registry/Service: Judicial Support Division			
Office of the Deputy Registrar	3	0	0.0
Chambers Legal	50	6	12.0
Defence Counsel	5	0	0.0
Office of the President	3	0	0.0
Detention Facilities	7	0	0.0
Court Management and Support Services	16	0	0.0
Library and Reference	3	0	0.0
Archiving	4	0	0.0
Subtotal for Division	**91**	**6**	**6.6**
Legal Division			
Office of the General Counsel	3	0	0.0
Registry Legal Support	4	0	0.0
Victims and Witnesses	25	2	8.0
Subtotal for Division	**32**	**2**	**6.3**
Total	**848**	**61**	**7.2**

Annex IV

Amended legal aid payment practice

December 2000

Case phase:	PRE-TRIAL CASE LEVEL AND ESTIMATED NECESSARY PREPARATION TIME			TRIAL	APPEALS CASE LEVEL AND ESTIMATED NECESSARY PREPARATORY TIME		
Team Member:	Case level 1: difficult **4 MONTHS**	Case level 2: very difficult **6 MONTHS**	Case level 3: leadership cases **8 MONTHS**		Case level 1 difficult **3 MONTHS**	Case level 2 very difficult **4 MONTHS**	Case level 3 leadership cases **6 MONTHS**
Lead Counsel	• 1400 hours **total,** (= monthly average **if** pre-trial prep. were done in **4** months: 350)	• 2100 hours **total,** (= monthly average **if** pre-trial prep. were done in **6** months: 350)	• 2800 hours **total,** (= monthly average **if** pre-trial prep. were done in **8** months: 350)	• all hearing hours • **average** monthly prep hours over duration of trial: 115	• 1050 hours **total,** (= monthly average **if** appeals prep. were done in 3 months: 350) • **plus** all hearing hours	• 1400 hours **total,** (= monthly average **if** appeals prep. were done in 4 months: 350) • **plus** all hearing hours	• 2100 hours **total,** (= monthly average **if** appeals prep. were done in 6 months: 350) • **plus** all hearing hours
Co-Counsel	• **plus** all hearing hours for **one** counsel	• **plus** all hearing hours for **one** counsel	• **plus** all hearing hours for **one** counsel	• all hearing hours • **average** monthly prep hours over duration of trial: 115			
Legal Assis-tant-s Or Investi-gator-s	• 2000 hours total, (= monthly average **if** pre-trial prep. were done in **4** months: 500)	• 3000 hours total, (= monthly average **if** pre-trial prep. were done in **6** months: 500)	• 4000 hours total, (= monthly average **if** pre-trial prep. were done in **8** months: 500)	• Maximum **average** monthly working hours over duration of trial: 150	• 450 hours total, (=monthly average **if** appeals prep. were done in 3 months: 150)	• 600 hours total, (=monthly average **if** appeals prep. were done in 4 months: 150)	• 900 hours total (=monthly average **if** appeals prep. were done in 6 months: 150)
Total hours	3400	5100	6800	Total not applicable	1500	2000	3000

Accompanying practices:

1. **The hours set down in the table for the pre-trial and appeal stages are to be understood as the *maximum* number of hours which *can be* allocated for the respective phase.** Counsel are obliged to plan the use of working hours efficiently and effectively throughout the entire preparation period.

2. **Counsel will not be reimbursed for working hours exceeding the allotted maximums unless if unforeseen circumstances beyond influence of the defence necessitate the allotment of additional hours.** In such a case, a reasoned request must be submitted to the Registrar in order to obtain an additional allotment of working hours. Example: After the defence has concluded its pre-trial preparation, the Prosecution discovers and discloses additional material, such as new witness statements or documentary evidence. The defence may then request an appropriate additional allotment of hours in order to complete their preparation in relation to the new material.

3. **All defence staff must be assigned by the Registry.** Work cannot be billed for staff who were not assigned by the Registry.

4. **Counsel are required to submit monthly invoices accounting for their work and the work of each of their defence staff.** Invoices should be prepared as time-sheets, which must state the activity, the place of the activity, and the exact duration of the activity.

5. **Cases will be ranked according to their level of difficulty**. Case level indicators may be: the number of counts in an indictment, the level at which an accused was placed in a military or political hierarchy during the events for which he was indicted, the amount of material disclosed by the prosecution, etc. Indicators will be evaluated in connection with each other; one indicator will not by itself determine the level of a case.

6. **It is presumed that all cases are the level "difficult".** Should a defendant be of the opinion that his case requires additional defence work, he may *request* an upgrading of the case from the Registrar.

7. **The level of difficulty will determine the maximum available working hours for a defence** team as stipulated by the above chart.

8. **The level of difficulty is determined by a decision of the Registrar,** which shall be rendered at the earliest opportunity after the initial appearance of an accused, or after a status conference has been held, and the Trial Chamber has made a recommendation.

9. **In accordance with Article 33 of the Directive, a complaint may be submitted to the President against the Registrar's decision.**

10. **The implementation of the envisaged system for cases that are already in the pre-trial or trial stages will be as follows**: The amended system will be implemented with when the next phase of the case commences. Thus, for cases that are currently in the pre-trial stage, the new system will be implemented once they reach the trial stage. Newly opened cases will be incorporated within the new system.

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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financing for the year 2001 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/55/512). During its consideration of the matter, the Committee met with the Deputy Prosecutor and the Registrar of the Tribunal and with representatives of the Secretary-General, who provided additional information.

2. The overall level of resources proposed for 2001 amounts to $95,056,600 gross ($86,616,600 net), reflecting growth of $8,901,700 gross ($8,446,400 net), or 10.3 per cent as compared with the 2000 appropriation of $86,154,900 gross ($78,170,200 net). Extrabudgetary resources projected for 2001 amount to $619,000 (see A/55/512, para. 12, and tables 1 and 2).

3. The proposed staffing table for 2001 comprises 892 assessed budget posts, reflecting a request for 81 new posts (17 for the Office of the Prosecutor and 64 for the Registry) over the authorized level for 2000 of 810 and the transfer of one P-5 post from the International Tribunal for the Former Yugoslavia

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budget to the International Criminal Tribunal for Rwanda (see ibid., annex II).

4. According to the budget report, a number of factors have affected the estimates. The first factor is the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/54/634). The second factor is an expected increase in the workload of the Tribunal resulting from the fact that all three Trial Chambers will be trying new cases from the last quarter of 2000, in addition to preparing judgements in completed cases. The increasing recourse to joint trials, together with the attendant motions and appeal cases, would have a ripple effect on the resource requirements of all three organs of the Tribunal (A/55/512, para. 10). The third factor is the expected continuing success in tracking and arresting additional suspects and the need to ensure an expeditious trial (ibid., para. 11). The Advisory Committee notes that the level of resources requested is based on the needs of the three Trial Chambers' stepped-up activities in investigation, arrest and detention and major enhancements envisaged for the delivery of support services (ibid., para. 12).

5. The Advisory Committee also notes that additional requests are made in the context of implementing changes in the organizational structures of the Tribunal.

6. In examining the estimates, the Advisory Committee bore in mind the report of the Expert Group (A/54/634), the comments of the organs of the Tribunal and of the Secretary-General (A/54/850), the previous observations and recommendations of the Committee, in particular in its report on proposed requirements for the Tribunal for 2000 (A/54/646), and General Assembly resolutions 54/240 A of 23 December 1999 and 54/240 B of 15 June 2000.

7. The status of implementation of the recommendations of the Expert Group is indicated in annex VII to the budget document. The Advisory Committee recalls its request that a report be submitted, in the context of the budget for 2001, on the action taken or to be taken in respect of those recommendations that had remained under review (A/54/874, para. 14). The Committee notes that of the 46 recommendations, 31 have been implemented. The Committee notes with regret that annex VII to the budget report does not differentiate between information already dealt with in reports previously considered by the Committee and the General Assembly and information on action taken on those recommendations that were still under review.

8. The Advisory Committee also recalls its recommendation that before requesting additional resources to implement a particular recommendation of the Expert Group, the Secretary-General ensure that every effort is made to fully and effectively use existing resources within the Tribunal (ibid., para. 11). The Committee notes that no evidence has been adduced that might indicate the extent to which this recommendation was implemented. It also notes, however, that in a number of instances the Expert Group's recommendations have been cited to justify additional resource requests. The Committee is aware that the Secretary-General is required to report to the General Assembly at its fifty-sixth session on the results of the implementation of the recommendations of the Expert Group. **The Committee expects the report to be analytical and thematic and to indicate the outcome of implementing the Expert Group recommendations. In the opinion of the Committee, the mere citing of a recommendation and stating whether or not it has been implemented would be considered unacceptable.**

9. **With respect to additional resources, it must be emphasized that at a time of resource constraint in the United Nations, the Tribunal is not exempt from first ensuring that a rigorous examination has been undertaken to use resources already approved before making proposals for additional funds.**

10. After the hearings, the Advisory Committee received an advance version of the budget performance report for the Tribunal for the year ended 31 December 1999 (A/55/622). The expenditures recorded during the period totalled $70,111,600 gross ($64,156,600 net), as compared with appropriations of $75,260,600 gross ($68,531,900 net, resulting in an unencumbered balance of $5,149,000 gross ($4,375,300 net).

11. Significant variances between the appropriation and the expenditures are shown in the table in section II and are explained in paragraphs 3 to 21 of the performance report. These include the under-expenditure of $3,532,000 under posts as a result of higher than anticipated vacancy rates during the year under review. Other significant under-expenditures

during the period included $1,223,800 under contractual services due to decreased requirements for the services of defence counsel and defence expert witnesses and $1,222,400 under general operating expenses.

12. **The Advisory Committee requests that in future a complete performance report be prepared and submitted prior to or concomitant with the submission of the annual budget estimates.**

13. Upon enquiry as to the extent to which the unencumbered balance has been credited to Member States, the Advisory Committee was informed that the net balance between 1998 and 1999 expenditures amounted to $2,937,000 gross ($1,988,700 net), of which $2 million gross ($1,816,000 net) was taken into account by the General Assembly in its resolutions 54/240 A and B while approving the appropriations for 2000. The remaining portion is reflected in the current budget report (A/55/512, annex X).

14. Upon enquiry, the Advisory Committee was provided with information on actual expenditure for 2000, in which a $4.2 million balance was projected (see annex I below). The bulk of under-expenditure ($3.3 million) is expected to occur in the Office of the Prosecutor, primarily because of a high vacancy rate (54 out of 197 authorized posts were vacant as at 10 November). In the Registry, the projected under-expenditure in staff costs is offset by projected over-expenditure in support services and other objects of expenditure. The recommendations of the Committee that follow take into account the projected unencumbered balance.

15. The actions taken by the Tribunal to implement the recommendations of the Advisory Committee, the Board of Auditors and the Office of Internal Oversight Services are contained in annex VII to the budget report. The Advisory Committee regrets that the payroll function continues to be performed at Headquarters for international personnel and at Arusha for local staff. **In the opinion of the Committee, the reasons given in annex VII to the budget report and in the testimony of the representatives of the Secretary-General are not convincing. For example, the Committee was informed that one of the reasons was that the Integrated Management Information System (IMIS) had yet to be installed at Arusha. However, the Committee points out that full payroll function had been delegated to a number of duty stations (such as the regional commissions) prior to the introduction of IMIS. The Committee reiterates its view that the Tribunal should have the appropriate delegated authority to carry out this function as soon as is practicable.**

16. With regard to staffing changes, the Advisory Committee recalls the statement that it had been informed that there would be no major increase in personnel in future (A/54/646, para. 17). The Committee noted that a number of changes had been introduced to address the high vacancy rate (ibid., paras. 19 and 20), and was given to understand that the staffing situation of the Tribunal would improve considerably in 2000. **The Committee regrets to note from annexes I and III to the budget report and from additional information supplied to it that the vacancy situation has hardly improved. Indeed, the actual vacancy rates for 2000-2001 were 23.24 per cent for the Professional category and 13.9 per cent for General Service for the first eight months of 2000. Moreover, the Committee notes that the vacancy factors used in preparing staff costs were 19 per cent for the Professional category and 13 per cent for General Service.**

17. **The Advisory Committee notes with concern the continuing problem the Tribunal is experiencing in retaining staff at Arusha once they have been recruited.** A number of staff have left for other duty stations, including peacekeeping missions. Upon enquiry, the Committee was informed that 51 staff members had been separated from the Tribunal in 1999, 10 of whom had resigned (2 Professional, 3 Field Service and 5 General Service). The Committee was also informed that a total of 72 staff members had been or would be separated during the course of 2000; 54 of these have resigned (12 Professional, 22 Field Service and 20 General Service). **The Committee requests that this matter be addressed urgently, including a review of the conditions of service at this duty station.**

18. **The Advisory Committee also understands that one-year contracts are a disincentive to the recruitment and retention of staff. The Committee recommends that, under the authority delegated to the Registrar for the appointment and administration of staff, the Registrar may consider issuing personnel contracts to staff of the Tribunal for periods longer than those of the annual budget but within the two-year financial period of the Tribunal. The Committee further recommends that the**

impact of implementing this recommendation be reflected in the next budget submission. With regard to the biennialization of the Tribunal's budget, the Committee intends to discuss this subject and other improvements in the presentation of the budget document, in the context of the Tribunal's next budget submission.

19. The Advisory Committee recalls its comments on the need for the Tribunal to have a full complement of staff on board before requesting additional posts (see A/54/646, paras. 22 and 55). The Committee has borne this factor in mind when formulating its recommendations on posts for the organs of the Tribunal. **Moreover, the Committee reiterates its comment that there is a need to relate workload data to resource needs (ibid., para. 23). A mere presentation of workload statistics is not of much help to the Committee or to the General Assembly. Performance and projected workload data need to be analysed; the result of that analysis would then form the basis to support the resources requested for the budget estimates.**

Chambers

20. The workload indicators of the Chambers are contained in annex V to the budget document. **The Advisory Committee notes with concern that the number of trials and courtroom days for 2000 will be less than that initially estimated for the year. Information on the number of trials commenced and completed, with projections, is contained in annex II below.**

21. With regard to the non-use of courtrooms, the Advisory Committee was informed that there had been a reduction in the number of days the courtrooms were used because the Trial Chambers were seized with one trial and a large volume of pre-trial motions.

22. The Advisory Committee concluded from the information given by the representatives of the Tribunal that the large number of interlocutory motions contributed to the delay in speeding up trials. As indicated in the budget report (A/55/512, para. 8), the Expert Group identified this as a major cause of trial delays. The Committee was informed, upon enquiry, that in four instances fees had not been paid to defence counsel because of judicial decisions that their motions were frivolous and constituted an abuse of the process. **The Committee welcomes the measures taken by the Judges (see ibid., paras. 15-17) to address this serious problem and encourages them to further exercise judicial control over all aspects of the proceedings in the Chambers.**

23. **In connection with the possible date by which the Tribunal would complete its work, the Advisory Committee requests that in the next report an attempt should be made to indicate whether it was possible to state the likely date or dates for the completion of the mandate of the Tribunal (see also A/54/645, para. 29).**

24. Upon enquiry as to the effect of joint trials on the judicial process, the Advisory Committee was informed that, if well-planned and well-executed, joint trials would speed up the trial caseload and in the long term would save money. However, it was emphasized to the Committee that adequate resources needed to be provided to handle the complex requirements of joint trials.

25. On the question raised in the budget report concerning the enlargement of the Appeals Chamber by an additional two Judges (see A/55/512, paras. 21 and 22), the Committee recalls paragraph 3 of General Assembly resolution 54/240 B, in which the Assembly requested the Secretary-General to transmit to the Security Council the report of the Expert Group (A/54/634) and the note containing his comments (A/54/850). At the time of the Committee's examination of the estimates, the Council had taken no decision on matters related to changes in the Statute or ad litem judges. In this connection, the Committee notes that the judges for the International Criminal Tribunal for Rwanda are not actively considering the introduction of ad litem judges (see A/55/512, annex VII, and annex IX, para. 2).

26. As indicated in the budget report, should the Security Council decide to add to two judges to the Appeals Chamber, supplementary estimates would have to be submitted to the General Assembly (ibid., annex IX, para. 4). The Advisory Committee will revert to this matter in the context of such estimates as may be submitted by the Secretary-General.

27. With regard to the travel and absence of judges from Arusha, the Advisory Committee recalls that it questioned the appropriateness of Tribunal judges being absent to attend meetings, including some not related to the United Nations, at times at which their

absence could interfere with the immediate judicial work of the Trial Chambers (see A/54/646, para. 28). **The Committee once again points out that the frequent absence of judges affects the speedy commencement or completion of trials of cases in which the travelling judges are involved. In this connection, the Committee recalls in particular the observations of the Board of Auditors.[1] In the view of the Committee, judicial activities, particularly those of the President, should have priority over public relations activities and attendance at external meetings.**

28. The Advisory Committee questions the rationale of the trip referred to in the budget report (A/55/512, para. 25 (e)). Upon enquiry as to the potential use of videoconferencing facilities at the Tribunal, the Committee was informed that facilities did not exist but that plans were under way to install such facilities using extrabudgetary funds to cover costs estimated at about $1 million. **The Committee points out that this is an item that should have been requested under the assessed budget unless there was already available a donation in kind, in which case resources for maintenance would be included in the assessed budget. The Committee requests that the problem of video communication between the two Tribunals and with Headquarters be resolved as a matter of utmost priority.**

29. **Subject to the above, the Committee recommends approval of the amount of $1,798,900 net proposed for the Chambers for 2001.**

Office of the Prosecutor

30. The estimate for the Office of the Prosecutor for the year 2001 is set at $24,859,500 gross ($21,834,200 net) and reflects an increase of $2,423,000 gross ($2,243,600 net), or 11.5 per cent as compared with the appropriation of $22,436,500 gross ($19,590,600 net) for 2000 (ibid., table 5). The Advisory Committee notes that the increase in the requirements for the Office of the Prosecutor relates to the establishment of the Appeals Unit in Arusha and the strengthening of the Investigations Division to achieve greater effectiveness in ongoing investigations, particularly in relation to sexual crimes and financial tracking. The number of temporary posts totals 215 for 2001, reflecting an increase of 17 posts as compared with 197 for 2000 (ibid., para. 39 and table 6). Details about and justifications for the new posts are provided in annex II to the budget report.

31. With respect to the 17 new posts requested, the Advisory Committee notes that the monthly number of vacant Professional posts decreased from a high of 40 to a projected low of 23 by December (ibid., annex III). This number is considerably higher than the total of 12 additional Professional posts requested.

32. Nine new posts (1 P-5, 1 P-4, 1 P-3, 1 P-2 and 5 General Service) are requested for the Trial Section at Arusha (ibid., annex II, paras. 20 and 21). **The Advisory Committee recommends approval of the request.**

33. A request is made for three new posts (1 P-4, 1 P-2 and 1 Local level) and a transfer of one P-5 post from the International Tribunal for the Former Yugoslavia budget in The Hague to the Tribunal at Arusha for the establishment of an Appeals Unit at Arusha (ibid., paras. 25 and 26). **The Advisory Committee recommends approval of the request.**

34. With regard to the Investigations Division, the Advisory Committee notes that five posts are requested, two P-3 and two P-2 for the Investigations Unit and one P-3 for the Intelligence and Tracking Team (ibid., paras. 37, 38 and 42). Upon enquiry, the Committee was informed that as at 10 November 2000, of the 132 posts authorized for the Investigations Division for 2000, 37 were vacant. The Committee was informed that the nature of investigation had changed; all targets had now been identified and priority was on the investigation of fact and the indictment, tracking and arrest of suspects. **In view of this fact and the high vacancy rate, the Committee recommends that the five posts requested for the Investigations Division be provided through redeployment.**

Registry

35. The resource requirements for the Registry for 2001 amount to $68,398,200 gross ($62,983,500 net), reflecting an increase of $6,448,100 gross ($6,172,200 net), or 10.9 per cent as compared with the appropriation of $61,950,100 gross ($56,811,300 net) for 2000. In addition, it is estimated that $544,000 net will be administered by the Registry as extrabudgetary resources, reflecting a decrease of $146,000 net as compared with the amount of $690,000 net for 2000 (ibid., table 7).

36. With regard to staff resources for the Registry for 2001, the Advisory Committee notes that 677 are proposed (180 Professional, 130 General Service, 24 Field Service, 82 Security Service and 261 Local level posts), of which 613 are continuing temporary posts and 64 are new temporary posts (18 Professional, 17 General Service (Other level) and 29 Local level) (ibid., table 8).

37. A summary of the proposed new posts by functional title is provided in the table following paragraph 54 of the budget report. The basis of the request for additional posts is summarized in paragraph 54 and supplemented with detailed justification in paragraphs 44-195 of annex II to the report.

38. A P-3 post is requested for the Press and Public Affairs Unit (ibid., annex II, para. 48). Upon enquiry, the Advisory Committee was informed that of the eight posts (1 P-5, 3 P-2, 1 General Service and 3 Local level posts) allocated the Press and Public Affairs Unit, two posts were vacant. **The Committee does not recommend approval of this request.**

39. The Advisory Committee notes that a new temporary P-3 post is requested for the Appeals Support Unit at The Hague (ibid., para. 54). Upon enquiry, the Committee was informed that as at 10 November 2000, out of the five posts assigned this Unit, one was vacant. **The Committee recommends approval of the new post for the Appeals Support Unit.**

40. With regard to the Chambers Support Section, the Advisory Committee notes that six new temporary posts are requested for this section (1 P-5, 1 P-4 and 4 P-3) (ibid., paras. 61-64). Upon enquiry, the Committee was informed that as at 10 November 2000, out of 27 posts (2 P-5, 1 P-4, 3 P-3, 9 P-2, 11 General Service and 1 Local level), 2 were vacant. **The Committee recommends approval of three posts (1 P-4 and 2 P-3) for the Chambers Support Section.**

41. Eleven posts are proposed for the Court Management Section, comprising three P-3 and three General Service posts for the Judicial Proceedings Unit, one P-4 and one General Service post for the Appeals Support Unit at Arusha and three Local level posts for the Judicial Records and Archives Unit (ibid., paras. 72, 74, 76 and 77). **The Committee recommends approval of the 11 new temporary posts requested for this section.**

42. For the Witnesses and Victims Support Section, the Advisory Committee notes that four new posts (1 P-4 and 3 Local level) are requested (ibid., paras. 83, 85, 87 and 90). **The Committee recommends approval of the 4 new posts requested for the Witnesses and Victims Support Section.**

43. The Advisory Committee notes that two Local level posts for Library Clerks at Arusha and Kigali are requested for the Legal Library and Reference Unit. These would be in addition to the current establishment of six posts (1 P-3, 2 P-2, 1 General Service and 2 Local level) (ibid., para. 97). Upon enquiry, the Committee was informed that all the six current posts were encumbered. **The Committee recommends approval of the two Local level posts for the Legal Library and Reference Unit.**

44. One General Service post is requested for the Office of the Chief of Administration to provide administrative and budgetary support. The Committee notes that the staffing of the Office of Chief of Administration comprises one D-1, one P-4, three General Service and one Local level post (ibid., paras. 99 and 101). **In view of the level of support which already exists, the Committee does not recommend approval of the additional General Service post requested.**

45. For the Recruitment Unit of the Personnel Section, the Advisory Committee notes that the current staffing level consists of three posts (1 P-3 and 2 General Service). A new General Service post for a personnel assistant is requested for the Unit (ibid., paras. 108 and 109). The Committee recalls that in its report on proposed requirements for the Tribunal for 2000 (A/54/646, para. 47), it did not approve a request for a new General Service post for a personnel assistant. **In view of the recruitment problems being experienced by the Tribunal, the Committee recommends approval of the request for the General Service post for a personnel assistant.**

46. One Local level post is requested for the Training, Staff Welfare and Counselling Unit to provide secretarial/clerical support to the P-3 training officer in the Unit (see A/55/512, annex II, para. 111). **The Advisory Committee recommends approval of this request.**

47. Two General Service and one Local level post are requested for the Finance Section. Fifteen posts (1 P-5, 1 P-4, 1 P-3, 1 P-2, 8 General Service and 3 Local

level) are currently provided (ibid., paras. 114, 118, 122 and 125). The Advisory Committee recalls that in its report on proposed requirements for 2000 (A/54/646, para. 48), it did not recommend approval of two General Service posts for the Finance Section for the reason that this was an area where automation could increase productivity and thereby alleviate the need for additional posts. **Similarly, the Committee does not recommend approval of the two General Service and one Local level post requested for the Finance Section.**

48. The current staffing level of Audio-Visual Services consists of eight posts (6 Field Service and 2 Local level). Seven new Local level posts are requested for these services (A/55/512, annex II, paras. 132-134). Upon enquiry, the Advisory Committee was informed that as at 10 November 2000, three of the eight posts were vacant. **The Committee recommends approval of three Local level posts out of the seven requested for Audio-Visual services.**

49. In addition to the 15 (1 P-3, 2 P-2, 6 General Service and 6 Local level) posts authorized for the Electronic Data Processing/Management Information Systems Unit, one new General Service post is requested (ibid., para. 137). The Advisory Committee recalls that in its report on proposed requirements for 2000 (A/54/646, para. 51), it did not recommend approval of three (2 General Service and 1 Local level) out of seven posts (5 General Service and 2 Local level) requested for this unit. Upon enquiry, the Committee was informed that 3 posts out of the 15 authorized were vacant. **The Committee does not recommend approval of the additional General Service post requested.**

50. In connection with the Central Registry, three new posts (1 General Service and 2 Local level) are requested. The Advisory Committee notes that the current establishment for the Central Registry consists of seven (1 General Service, 1 Field Service and 5 Local level) posts (A/55/512, annex II, paras. 140 and 142-144). Upon enquiry, the Committee was informed that all seven posts allocated to the Central Registry were encumbered. **The Committee recommends approval of this request.**

51. The Advisory Committee notes that one P-3 post for a social welfare officer is requested for the United Nations Detention Facility. This post would be in addition to the current staffing level of 27 posts (1 P-3, 8 Security Service and 18 Local level) for these facilities (ibid., para. 154). The Committee recalls that in its report on proposed requirements for 2000 (A/54/646, para. 54), it did not approve two posts (1 P-2 and 1 Local level) requested for a social affairs officer and a nurse for monitoring the health and welfare of detainees. The Committee recommended instead that the functions be carried out either by existing staff or through redeployment. **However, for the reasons given, the Committee now recommends the approval of the P-3 post for a social welfare officer.**

52. Eleven posts (1 P-4, 3 P-3, 6 General Service and 1 Local level) are requested for the Language and Conference Services Section. Three P-3 level posts are requested for interpretation/translation at Arusha, four General Service posts for the Proof-reading and Text Processing Unit, one General Service and one Local level post for the Documents Control, Terminology and Reference Unit and one P-4 and one General Service post for language support to the Appeals Chamber at The Hague (A/55/512, annex II, paras. 158-172). **The Advisory Committee recommends approval of these requests.**

53. With regard to administrative services at Kigali, the Advisory Committee notes that 10 posts (1 General Service and 9 Local level) are requested: one General Service post for the Office of the Deputy Chief of Administration, one Local level post for Personnel, one Local level post for Finance, two Local level posts for the Registry, two Local level posts for Transport Services and three Local level posts for Language and Conference Services. The Committee further notes that the basis for this request is partially to address recommendation 45 of the Expert Group and the additional delegation of authority granted by the Registry to the Kigali administrative office (ibid., paras. 173 and 176-195). Upon enquiry, the Committee was informed that of the 135 authorized posts for Kigali, 29 were unencumbered as at 10 November 2000. **The Committee therefore recommends approval of five posts (1 General Service and 4 Local level), with priority being given to Languages and Conference Services.**

54. An amount of $310,400 is requested for travel and allowances for 150 witnesses for the prosecution and 190 witnesses for the defence (see A/55/512, para. 57 (b)). Upon enquiry, the Advisory Committee was informed that out of $330,200 estimated for travel of

witnesses for 2000, expenditure as at 30 September 2000 amounted to $69,761, and an additional $100,000 was projected to be spent in 2000. The Committee was also informed that for the period from 1 January to 10 November 2000, 50 witnesses (34 for the prosecution and 16 for the defence) were called and spent a total of 747 days in Arusha (638 by the prosecution witnesses and 109 by the defence witnesses). The Committee was further informed that out of 50 witnesses called, a total of 10 did not testify, 7 because the cross-examination of some witnesses in joint trials took more time than anticipated and, in the case of 3 witnesses (2 for the prosecution and 1 for the defence), both the prosecution and defence decided not to use them. The Committee was informed that the low level of expenditure for the period from 1 January to 30 September 2000 was due to the limited number of trials during that period and that in view of the joint trials currently being heard, an increase in expenditure was anticipated from October onwards. **Given past experience, the Committee recommends approval of $295,000 out of the amount of $310,400 requested for the panel of witnesses.**

55. An amount of $7,931,800 is requested for contractual services, and a detailed explanation of the use of these resources is contained in the budget report (ibid., para. 58). This amount represents an increase of $531,800 over the amount of $7,400,000 provided in 2000. The Advisory Committee notes that the estimate of $7,931,800 for 2001 is 55.4 per cent higher than the expenditure of $5,105,000 in 1999 (ibid., table 7). The bulk of the request is for defence counsel.

56. For defence counsel, an amount of $6,365,600 is requested (ibid., para. 58 (a)). Upon enquiry, the Advisory Committee was informed that an amount of $5,969,072.77 had been spent for defence counsel so far. The Committee was provided with information on measures taken to improve monitoring and oversight over defence counsel, which is contained in annex III below.

57. The Advisory Committee recalls the comments of the Expert Group concerning dilatory motions and pleadings that have the effect of lengthening trial proceedings. **The Committee welcomes the actions taken so far by the judges and the Registry to address these matters, including the amendment of the Tribunal's rules of procedure and evidence to deny fees for frivolous motions.**

58. The Advisory Committee also recalls the comments of the Expert Group on indications of fee-splitting arrangements between detainees and their defence counsel (see A/54/634, paras. 79 and 217). **Although these indications have not been verified by the Expert Group, they should be investigated promptly and thoroughly. Laxity in this matter could lead to the impression that the legal aid system of the United Nations can be manipulated to be an open-ended opportunity for unwarranted gain. The Committee recommends that the Board of Auditors and the Office of Internal Oversight Services, within their respective mandates, redouble their efforts to follow up on these allegations. The Committee also recommends that the Tribunal review and as necessary adjust the present staff capacity to manage all aspects of the legal aid system.**

59. A provision in the amount of $50,000 is requested for the external translation of documents by defence counsel. The estimate is based on the United Nations standard rate of $145 per 1,000 words or 14.5 cents per word (A/55/512, para. 58 (b)). The Advisory Committee notes that defence counsel are now permitted to have their material translated externally at a reasonable cost paid by the Tribunal. The rates paid would be in accordance with the United Nations guidelines on the remuneration of external translators/self-revisers. Upon enquiry, the Committee was informed that the Tribunal would still retain the option to translate material using internal capacity. **The Committee recommends approval of $7.6 million out of the $7.9 million requested for contractual services.**

60. For general operating expenses under the Registry, an amount of $5,887,200 is requested (ibid., para. 60). The Advisory Committee notes that the estimate is twice the expenditure of $3,296,400 reported for 1999. The Committee also notes from annex I below that expenditure for 2000 as at 30 September 2000 amounts to $4,252,455. Upon enquiry, the Committee was informed that this was due to increases in the cost for rental of office space at the International Conference Centre from $4.50 to $9.0 per square metre, effective 1 November 1999, and in utility costs as a result of a large number of new offices and additional office equipment. The Committee requested further explanation of the steep rent increase but did not receive it. The increase in expenditure was also due

to the upgrading of communication requirements, an increase in requirements for the protection and support of witnesses owing to an anticipated increase in witnesses called to testify, as well as the fact that while the cost of leasing aircraft was charged against the Trust Fund in 1999, it is included in the 2001 budget.

61. The Advisory Committee notes from annex I below that over-expenditure of $607,652 for the rental and maintenance of premises and $144,487 for operating expenses is projected in 2000. **In view of this, and taking into account its observations in paragraph 58 above, the Committee recommends that the amount of $5.7 million out of $5.9 million be provided for general operating expenses.**

62. An amount of $250,000 is requested to cover costs relating to the enforcement of sentences. The Advisory Committee notes that the Tribunal has signed agreements with the Governments of Mali and Benin to provide prison facilities in the respective countries where the convicts can serve their sentences and that two additional African countries are expected to conclude agreements in the near future. The Committee also notes that the agreement with Mali includes the provision of expected maintenance costs estimated at $20 per day per convict for five convicts ($36,500) (ibid., para. 60 (g)).

63. **From the information contained in the budget document and the testimony of the representatives of the Secretary-General, the Advisory Committee concludes that the enforcement of sentences is an important emerging subject that is being handled in an ad hoc manner and without a carefully thought out long-term plan of action. It is the view of the Committee that the Tribunal should think ahead. For example, on the basis of the best information available, the Tribunal should consider whether it would be possible to review various scenarios concerning the likely number of convicts for whom agreement on the enforcement of sentence might be sought with countries willing to enter into such agreements. It is also essential to have, well in advance, a proper perspective of the likely long-term financial obligation of the United Nations after the expiry of the mandate of the Tribunal.**

64. With regard to the safety of evidentiary material, upon enquiry, the Advisory Committee was informed that Building Management Services, in consultation with the Information and Evidence Section, had agreed on a suitable location for a vault, covering an estimated area of 119 square metres. The acquisition of equipment for preserving evidentiary materials had been included in the programme of activities of the Trust Fund for the Tribunal for 2000; the related construction costs are estimated at $10,625. As to the evidence in Kigali, the Committee was informed that a limited number of evidentiary documents were stored using archival folders and cases, evidence bags, sealing materials and packing tape, that the transfer of the Kigali evidence collection to Arusha using United Nations aircraft had been nearly (85 per cent) completed and that the conversion of video and audio analog tapes to digital format was ready for implementation pending arrival of required supplies and equipment, which are under procurement. **The Committee expresses concern that the facility built specially for the storage of physical evidence in Arusha has not yet been completed, and it urges the Registrar to ensure the completion of this work as soon as possible so that physical evidence currently held elsewhere in unsatisfactory conditions might be removed to that secure facility.**

65. A total of $5,282,100 is requested for supplies and materials ($1,575,800), furniture and equipment ($2,680,900) and construction, alteration, improvements and major maintenance ($1,025,400), representing an increase of $264,200 as compared with the appropriation of $5,017,900 for 2000. The Advisory Committee notes that expenditure for these three items for 1999 amounted to $5,591,300 (ibid., paras. 61-63 and table 2). Upon enquiry, the Committee was informed that expenditure for supplies and materials, furniture and equipment, and alterations and improvement of premises for 2000 as at 30 September amounted to $3,508,033, and that projected expenditure for October to December amounted to $1,328,287. **The Committee recommends approval of $5.2 million for supplies and materials on the understanding that it is not recommending approval of all the posts requested and that this is an area susceptible to managerial control and monitoring of expenditure.**

Conclusions and recommendations

66. **On the basis of the recommendations and observations indicated in the foregoing paragraphs, the Advisory Committee recommends that the**

General Assembly approve the appropriation of $93,520,500 gross ($85,178,700 net) for the operations of the International Criminal Tribunal for Rwanda in 2001. This would represent a reduction of $1,536,100 gross ($1,437,900 net) from the estimate of $95,056,600 gross ($86,616,600 net), indicated in paragraph 12 of the proposed budget (A/55/512).

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 5K* (A/55/5/Add.11), chap. II, paras. 46 and 47.

Annex I

International Criminal Tribunal for Rwanda
Projected status of allotments for the period from 1 January to 31 December 2000

(In United States dollars)

Description	Allotment (a)	United Nations Headquarters disbursement (b)	Field disbursement (as at 30 September) (c)	Unliquidated obligations (d)	Expenditure (e)=(b+c+d)	Estimated expenditure October-December (f)	Total expenditure (g)=(e+f)	Savings / (overrun) (h)=(a-g)	Expenditure/ allotment (i)=(g/a) (percentage)
Chambers									
(Org. unit 1188) TUA-09-101									
Temporary posts							-	-	
Common staff costs								-	
Common staff costs of judges	200 500.00	-	386 365.97	3 363.00	389 728.97	125 000.00	514 728.97	(314 228.97)	256.7
Honoraria	1 477 800.00	-	979 799.74	-	979 799.74	370 000.00	1 349 799.74	128 000.26	91.3
Travel on official business (non-staff)	90 000.00	-	69 227.27	11 009.00	80 236.27	9 763.73	90 000.00	-	100.0
Subtotal	**1 768 300.00**	-	**1 435 392.98**	**14 372.00**	**1 449 764.98**	**504 763.73**	**1 954 528.71**	**(186 228.71)**	110.5
Office of the Prosecutor[a]									
(Org. unit 1206) TUA-09-102									
Temporary posts (net of staff assessment)	9 794 700.00	6 339 125.06	7 060.34	-	6 346 185.40	720 664.00	7 066 849.40	2 727 850.60	72.1
Common staff costs	8 325 400.00	3 647 832.08	1 636 071.16	565 877.00	5 849 780.24	1 808 318.00	7 658 098.24	667 301.76	92.0
Consultants	193 800.00	-	41 871.88	21 616.00	63 487.88	50 000.00	113 487.88	80 312.12	58.6
Other official travel of staff	868 700.00	-	716 866.44	359 768.12	1 076 634.56	55 000.00	1 131 634.56	(242 934.56)	127.3
General operating expenses - Intelligence and Tracking Team	388 000.00	-	2 155.32	150 000.00	152 155.32	122 500.00	274 655.32	113 344.68	70.8
Subtotal	**19 590 600.00**	**9 986 957.14**	**2 404 025.14**	**1 097 261.12**	**13 488 243.40**	**2 756 482.00**	**16 244 725.40**	**3 345 874.60**	82.9
The Registry[a]									
(Org. unit 1192) TUA-09-103									
Temporary posts (net of staff assessment)	19 753 500.00	11 852 029.21	1 246 052.91	-	13 098 082.12	3 139 966.00	16 238 048.12	3 515 451.88	82.2
Common staff costs	16 681 300.00	7 053 835.81	3 446 673.30	1 368 739.28	11 869 248.39	5 265 704.57	17 134 952.96	(453 652.96)	102.7
General temporary assistance (net of staff assessment)	1 500 000.00	641 185.80	521 161.01	22 894.94	1 185 241.75	200 000.00	1 385 241.75	114 758.25	92.3
Consultants and experts	203 200.00	-	21 868.10	90 964.20	112 832.30	86 500.00	199 332.30	3 867.70	98.1
Overtime (net)	300 000.00	426 116.26	648 800.33	322 195.82	1 397 112.41	-	1 397 112.41	(1 097 112.41)	465.7
Travel of Registrar and other staff	252 300.00	-	367 167.11	34 152.00	401 319.11	100 000.00	501 319.11	(249 019.11)	198.7
Travel of prosecution and defence witnesses	330 200.00	-	1 054 452.90	19 784.71	1 074 237.61	100 000.00	1 174 237.61	(844 037.61)	355.6
Training of staff	337 900.00	-	313 771.28	44 388.00	358 159.28	11 500.00	369 659.28	(31 759.28)	109.4
External audit	47 500.00	-	47 510.00	-	47 510.00	-	47 510.00	(10.00)	100.0
Other contractual services	6 958 100.00	-	5 003 225.73	10 361.33	5 013 587.06	1 750 000.00	6 763 587.06	194 512.94	97.2
Hospitality	4 000.00	-	2 318.97	-	2 318.97	2 000.00	4 318.97	(318.97)	108.0
Subtotal	**46 368 000.00**	**19 973 167.08**	**12 673 001.64**	**1 913 480.28**	**34 559 649.00**	**10 655 670.57**	**45 215 319.57**	**1 152 680.43**	97.5

Description	Allotment (a)	United Nations Headquarters disbursement (b)	Field disbursement (as at 30 September) (c)	Unliquidated obligations (d)	Expenditure (e)=(b+c+d)	Estimated expenditure October-December (f)	Total expenditure (g)=(e+f)	Savings / (overrun) (h)=(a-g)	Expenditure/ allotment (i)=(g/a) (percentage)
Other official travel of staff									
(Org. unit 3038) TUA-09-105	18 400.00	5 566.74	-	9 265.15	14 831.89	3 568.11	18 400.00	-	100.0
Subtotal	**18 400.00**	**5 566.74**	-	**9 265.15**	**14 831.89**	**3 568.11**	**18 400.00**	-	100.0
Programme support									
(Org. unit 1192) TUA-09-800									
Rental and maintenance of premises	1 443 200.00	-	1 158 891.82	451 960.20	1 610 852.02	440 000.00	2 050 852.02	(607 652.02)	142.1
Utilities	473 000.00	-	235 028.58	114 404.90	349 433.48	145 000.00	494 433.48	(21 433.48)	104.5
Operating expenses	1 753 700.00	1 684.16	1 247 649.61	498 852.89	1 748 186.66	150 000.00	1 898 186.66	(144 486.66)	108.2
Communications	1 540 600.00	-	525 861.82	18 121.56	543 983.38	850 000.00	1 393 983.38	146 616.62	90.5
Supplies and materials	1 495 900.00	-	694 000.60	277 394.07	971 394.67	400 000.00	1 371 394.67	124 505.33	91.7
Office furniture and equipment	1 065 200.00	-	181 562.68	878 175.53	1 059 738.21	100 000.00	1 159 738.21	(94 538.21)	108.9
Data processing/automated equipment	368 800.00	-	202 524.57	100 649.26	303 173.83	34 500.00	337 673.83	31 126.17	91.6
Communication equipment	925 000.00	-	36 572.18	508 176.25	544 748.43	400 000.00	944 748.43	(19 748.43)	102.1
Other equipment	207 000.00	-	5 792.95	11 072.13	16 865.08	50 000.00	66 865.08	140 134.92	32.3
Alterations and improvements to premises	956 000.00	-	460 463.81	151 648.76	612 112.57	343 887.43	956 000.00	-	100.0
Contributions/Joint administrative activities	140 000.00	-	34 034.75	-	34 034.75	105 000.00	139 034.75	965.25	99.3
External printing	56 500.00	-	17 390.73	30 523.76	47 914.49	24 500.00	72 414.49	(15 914.49)	128.2
Subtotal	**10 424 900.00**	**1 684.16**	**4 799 774.10**	**3 040 979.31**	**7 842 437.57**	**3 042 887.43**	**10 885 325.00**	**(460 425.00)**	104.4
Grand total (net)	**78 170 200.00**	**29 967 375.12**	**21 312 193.86**	**6 075 357.86**	**57 354 926.84**	**16 963 371.84**	**74 318 298.68**	**3 851 901.32**	95.1
Staff assessment	**7 984 700.00**				**4 740 649.00**	**2 858 851.00**	**7 599 500.00**	**385 200.00**	95.2
Grand total (gross)	**86 154 900.00**	**29 967 375.12**	**21 312 193.86**	**6 075 357.86**	**62 095 575.84**	**19 822 222.84**	**81 917 798.68**	**4 237 101.32**	95.1

[a] *Posts authorized by the staffing table*

Annex II

Additional information provided by the International Criminal Tribunal for Rwanda to the Advisory Committee on Administrative and Budgetary Questions

INTEROFFICE MEMORANDUM — MEMORANDUM INTERIEUR

To: Marcellin Savard
A: Chief of Administration

Date: 10 November 2000

Ref: Budget/10-11

From: President N. Pillay
De:

Subject: **Additional Information required by ACABQ**
Objet:

URGENT

Your correpondence of 9 November 2000 refers.

With regard to your enquiry about the "non-use" of court rooms, there has been a reduction in the number of days the court rooms were used by the Trial Chambers. This is because the Trial Chambers were seized with one Trial and a large volume of pre-trial motions (refer to Annual Report in this regard). The Judges have amended the Rules of Procedure and Evidence to now cater for motions to be decided solely on the briefs filed by Parties, instead of having an *inter partes* hearing in an open court. Motions decided on the briefs filed, may be dispensed with more expeditiously, because the availability of counsel to travel to Arusha is not an issue in this instance. It also reduces fees and expenses paid to Counsels by the Tribunal, in respect of their travel to Arusha and their appearances in court when presenting their oral submissions. This must be accessed in light of the fact that all the accused persons presently before the Tribunal have been assigned Counsels to represent them.

With regard to your enquiry on the number of trial completed, please note that the first trial commenced on 27 January 1997 and since then the court of the first instance has rendered seven judgments with the Appeals court rendering two.

With regard to your enquiry on the projected number of trials for the year 2001, please note that:

- The trial of three accused, referred to as the "media" trial commenced on 25 October 2000 and is expected to continue through to the year 2001,

- The trial of three accused, referred to as the "Cyangugu" case commenced on 18 September 2000 and is expected to continue into the year 2001;
- The trial of two accused (Ntakirutimana) is scheduled to commence on 23 April 2001;
- The trial of six accused, referred to as the "Butare" case is scheduled to commence in April 2001;
- With regard to the cases referred to as the 'Government" cases, a trial involving one accused is scheduled to commence on 22 January 2001, a trial involving one accused is scheduled to commence in February 2001, a trial involving four accused is scheduled to commence in March 2001 and a trial involving four accused is scheduled to commence in May 2001;
- A trial involving four accused, referred to as the "military" case, is scheduled to commence in June 2001.

Annex III

Practice of the Tribunal with respect to legal aid and guidelines for the settlement of defence accounts

ICTR Legal Aid Practice updated November 2000

	Pre-trial stage	Trial stage	Appeal stage
Lead counsel	175 maximum hours* per month.	175 maximum hours* per month.	175 maximum hours* per month.
Co-counsel	No co-counsel 60 days or so before the start of the trial. Once co-counsel is assigned the remuneration will be 175 maximum hours* per month.	175 maximum hours* per month.	30 days only before the appeal hearing, 175 maximum hours* per month.
Investigator	100 maximum hours per month	100 maximum hours per month.	During this phase only one investigator shall be assigned if the request is duly justified. 100 maximum hours per month.
Assistant	100 maximum hours* per month	100 maximum hours* per month.	100 maximum hours* per month.

* Hearings hours already included in the figures. The hourly rate is as follow:

Lead counsel:
0-4 years, $ 80/hour;
5-9 years, $ 90/hour;
10-14 years, $ 100/hour;
More than 15 years, $ 110/hour.

Co-counsel: $ 80/hour whatever is her/his experience.

Assistant and investigator: $ 25/hour.

Concerning determination of indigence, the investigation is an ongoing process and assignment can be withdrawn if detainee is not anymore indigent. Detainee is called to fill in an internal document in which he has to provide information about her/his assets. We wrote to all Government where suspect/accused have been arrested and the Prosecutor send to the Registry relevant information in this matter.

GUIDELINES FOR SETTLEMENT OF DEFENCE ACCOUNTS

The following guidelines are issued in the framework of the permanent process of maintaining a sustainable «legal assistance programme» through improved assistance to Defence teams and an increasingly rational management of the limited resources available. They are aimed at providing the partners involved in this process, members of defence teams in particular, with information on the procedure, practice and policies of the Registrar in settling defence accounts and thereby ensuring uniformity and transparency in those matters. The guidelines are an interpretation of the Directive as agreed on by the Advisory Panel set up in conformity with article 29 of the Directive on assignment of Defence Counsel.

1. Remuneration of Counsel for services rendered

1.1. The statement of fees. The statement of fees submitted by the Counsel must be in conformity with article 24 of the Directive and clearly indicate the names of suspect or accused, the registration number in the Record Book, the stage of the procedure, the date, the time spent and the nature of the activity performed, including enough information to show the necessity and reasonableness for the preparation of the case as stipulated by article 17 of the Directive. The proper form must be submitted together with the statement of fees.

1.2. Fixed rate as per article 22 (A) (I) of the Directive. The fixed rate paid at each stage of the proceedings to cover the time spent by Counsel to familiarize themselves with the pertinent documents of the case and the applicable law. The stages are as follows: Pre-Trial, Trial, Pre-Sentencing Hearing[1], Appeal and Review. This fixed rate, thus covers readings of: the indictment, the ICTR rules and regulations (Statute, Rules of Procedure and Evidence, Directive on assignment of defence counsel, Detention Rules, etc) and the various aspects of the law applicable to an international tribunal. Further reading of such texts will, therefore, not be remunerated separately. The fixed rate, pursuant to article 23 of the Directive, has been raised from $US400 (four hundred) to $US2,000 (two thousand).

[1] Where applicable.

1.3. Hourly rate, article 22 (A) (ii) of the Directive. The fixed hourly rate covers time spent in the *direct preparation of the case* and any court appearances. Additional study and research that is not linked to the direct preparation of the case is included in this rate, as are «office overhead expenses». Thus, preparation for meetings, note taking and compilation of own notes will not be reimbursed as a separate activity. Direct preparation is understood, among other activities, to mean preparation of a motion or examination of a witness.

1.4. Background reading on Rwanda and the Great Lakes region (history, politics, etc.). Recognizing the particularity of the cases before the ICTR, some hours can be remunerated when spent on specific reading of the history and politics of Rwanda in the relevant period. A maximum of 50 hours can be remunerated, and payment is subject to respect for the provisions of article 24 of the Directive.

1.5.1. Co-counsel. Lead Counsel can be assisted by a Co-counsel when the trial is about to begin or in exceptional cases where the bulk of work so justifies. The Co-counsel is appointed by the Registrar upon a request made by the assigned counsel as per article 15 of the Directive, using the approved application form. The preference for a Co-counsel should reflect the need to form a team with experience in the tradition of both common law and civil law and knowledge of the two working languages of the Tribunal.

1.5.2. Claims for payment of fees or reimbursement of expenses for Co-counsel must be certified by Lead Counsel prior to submission to the Registry. Direct submission by co-counsel is only acceptable on the basis of written authorization from lead counsel.

1.6 Duplication of work. The Lead Counsel is responsible for the case. He must ensure that the team functions as such and that the members of the team supplement each other and do not duplicate the work. If the Lead Counsel and/or the Co-counsel has already covered an activity, other members of the team can in exceptional circumstances only be reimbursed for similar activities. If other members of the team perform a task, Lead Counsel or Co-counsel can only be reimbursed for supervising, assisting and coordinating this activity.

1.7 Meetings. Meetings between all the members of the team can be reimbursed when spent on streamlining and coordinating the work efforts of the team. Working sessions between team members can also be reimbursed when the time spent has been shown by Counsel to be reasonable and necessary. Meetings with third parties should be limited, as far as possible, to one team member. Meetings attended by more than one member of the team with a third party can be reimbursed when necessity has been shown by Counsel.

1.8. **Witnesses.** In order to ensure consistency between the number of witnesses interviewed and the number of witnesses presented at trial, an identification code should be allocated to any potential witness for whom reimbursement is claimed. This code letter/number must accompany the witness all the way throughout the proceedings. If possible, Counsel should indicate in the statement of claim whether the witness has agreed to appear in court. This will facilitate the Tribunal's efforts to plan ahead of time its logistic support to Counsel before appearance in court.

1.9. **Daily Subsistence Allowance (DSA).** DSA is meant to cover unspecified costs related to remaining outside the place of residence in connection with the case. As with any other cost reimbursed by the Tribunal, it has to be documented with original invoices and needs to be authorized prior to the travel as well as fulfilling the requirement of being necessary and reasonable for the preparation of the case. The proper form must be filled out and be submitted together with the claim. Claims for DSA will be processed together with the pertinent claims for reimbursement of travel expenses.

2. Reimbursement of travel expenses.

2.1. Written authorization from the Registrar should be obtained prior to any official travel. Requests should be made using the proper form, and be submitted in due time to allow for adequate processing.

2.2. Although authorized in principle, journeys to Arusha for hearing purposes should still necessitate prior authorization, especially with regard to the duration of the stay component of the trip.

2.3. **Duration of travel to Arusha for hearing or other purposes.** Counsel should arrive in Arusha not more than two days prior to the hearing date and leave by the next available flight. Exceptions to this principle should be explained and requested in writing.

2.4. In accordance with article 27 of the Directive, travel expenses are reimbursed on the basis of one economy class round-trip air ticket by the shortest available route. Travel is also reimbursable on the basis of either first class public transportation tickets or fixed rates as established by the United Nations for travel by private motor vehicle. For all travel claims the *original* ticket, the *original* invoice, the travel authorization and any receipts related to payments with credit cards must be produced by the counsel. All travel claims must be submitted using the appropriate form established by the Registrar. Taxi fares are not reimbursed.

3. Assistant and investigator

3.1. Counsel must seek, using the proper form, written authorization from the Registrar prior to the recruitment of an assistant or an investigator. Such a request

should be justified and include, *inter alia*, the specific assignment for which the person is recruited as well as the estimated time of duration of the work.

3.2. Assistant and investigator are remunerated at an hourly flat rate of $US25, with a monthly maximum payment of 100 (one hundred) hours.

3.3. Travel requests for assistant and investigator should be submitted by Counsel following the same procedure as described in clause 2 above, in the case of Counsel.

3.4. Claims for payment of fees and reimbursement of expenses for assistant and investigator should be certified by Lead Counsel prior to submission to the Lawyers and Detention Facilities Management Section (LDFMS).

4. Expense not reimbursed by the Tribunal

4.1. **Medical expenses.** More medical and other personal expenses are not reimbursed by the Tribunal. It is the responsibility of each member of a defence team to arrange and pay for his medical coverage.

4.2. Expenses incurred for the purchase of items to be owned by counsel such as books and newspapers, etc., will not be reimbursed.

5. Processing of fees and expenses

5.1 The statement of fees and/or expenses submitted by counsel is reviewed by the LDFMS using the attached list of standard acronyms, informing the Counsel, where applicable, the grounds on which additional justification is required, payment is disallowed, hours claimed reduced, etc. A copy of the reviewed statement is sent to counsel shortly after the issuance of the cheque, order of bank transfer given, other form of payment effected.

The above guidelines will be updated as required on the basis of experience.

The Registrar

Arusha the 13th September 2000

Subjet: Review of the measures relative to the enforcement of the Directive on the assignment of defence counsel.

Following a current evaluation of the legal assistance programme, in order to further realise efficiency, transparency and uniformity while taking into consideration the need for a rational management of the available funds, I hereby consolidate the following measures relative to the enforcement of the Directive on the assignment of defence counsel.

1. Co-counsel

Assignment of Co-counsel, whenever appropriate, will be made upon request of assigned Lead counsel when the trial is about to begin or 60 days prior to the commencement of the trial. This assignment will run only for the trial on the merits.

During the appeal phase, whenever appropriate, Lead counsel may, pursuant to Article 15(C), request the assignment of a Co-counsel. Co-counsel shall be assigned 30 days or so prior to the hearing of the appeal in open court.

2. Reimbursement of travel expenses:

Written authorization from the Registrar should be obtained prior to any official travel in order for the costs and expenses necessarily and reasonably incurred to be met by the Tribunal.
Travel to Arusha for hearing, although authorized in principle, shall not exceed 5 days. Exceptions to this principle, duly explained and requested in writing, shall be submitted to the Registrar for approval.

During the pre-trial phase, either the Lead counsel or the Co-counsel shall be allowed to travel for hearing purposes.

During the pre-trial phase, apart from hearing purposes, Counsel shall be allowed, in principle, to travel to Arusha 3 times.
During the pre-trial phase, 2 coordination meetings with all members of the team in Arusha may be convened by Lead counsel if the request is duly justified.

3. **Investigator:**

During the appeal phase, only 1 investigator shall be assigned if the request submitted by Lead counsel is duly justified and includes, *inter alia*, the specific assignment for which the person is recruited as well as the estimated time of duration of the work.

The above measures are immediately applicable and consolidate the current measures which have been in force since 1st September 1998.

Agwu Ukiwe Okali
Registrar